

[COMMITTEE PRINT]

NATIONAL AERONAUTICS AND SPACE
ACT OF 1958, AS AMENDED,
AND RELATED LEGISLATION

PREPARED AT THE REQUEST OF
Hon. DON FUQUA, *Chairman*
COMMITTEE ON SCIENCE AND TECHNOLOGY
U.S. HOUSE OF REPRESENTATIVES
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LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, D.C., October 15, 1983.

To All Members, Committee on Science and Technology:

DEAR COLLEAGUE: I am pleased to transmit herewith for your information and use, a compilation of the texts of the public laws that relate to aeronautical and space research and development activities, especially as these activities relate to the functions and responsibilities of the National Aeronautics and Space Administration. It should prove to be a useful resource document on these matters over which the Committee has jurisdiction.

With best wishes, I am

Sincerely,

DON FUQUA, *Chairman.*

LETTER OF SUBMITTAL

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, D.C., September 30, 1983.

HON. DON FUQUA,
*Chairman, Committee on Science and Technology, U.S. House of
Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: I am herewith submitting for printing as a Committee Print a compendium of United States Law, as it affects the National Aeronautics and Space Administration [NASA]. The document was prepared so that Congress, the executive branch and the general public will have available in a single document all of the laws that pertain to the activities of this important agency.

The document was prepared by the General Counsel's office of the National Aeronautics and Space Administration. The efforts of S. Neil Hosenball, General Counsel, John E. O'Brien, Deputy General Counsel, Elizabeth N. Siegel, attorney, and Cathy P. Runde, law clerk, in preparing this document are appreciated.

Sincerely,

HAROLD L. VOLKMER,
*Chairman, Subcommittee on
Space Science and Applications.*



25th Anniversary
1958-1983

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NATIONAL AERONAUTICS AND SPACE ACT OF 1958, AS AMENDED

AN ACT To provide for research into problems of flight within and outside the earth's atmosphere, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE, DECLARATION OF POLICY, AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "National Aeronautics and Space Act of 1958".

Public Law 85-
568, 85th
Congress, H.R.
12575, July 29,
1958. 72 Stat.
426.

DECLARATION OF POLICY AND PURPOSE

SEC. 102. (a) The Congress hereby declares that it is the policy of the United States that activities in space should be devoted to peaceful purposes for the benefit of all mankind. 42 U.S.C. 2451.

(b) The Congress declares that the general welfare and security of the United States require that adequate provision be made for aeronautical and space activities. The Congress further declares that such activities shall be the responsibility of, and shall be directed by, a civilian agency exercising control over aeronautical and space activities sponsored by the United States, except that activities peculiar to or primarily associated with the development of weapons systems, military operations, or the defense of the United States (including the research and development necessary to make effective provision for the defense of the United States) shall be the responsibility of, and shall be directed by, the Department of Defense; and that determination as to which such agency has responsibility for and direction of any such activity shall be made by the President in conformity with section 201(e).

(c) The aeronautical and space activities of the United States shall be conducted so as to contribute materially to one or more of the following objectives:

- (1) The expansion of human knowledge of phenomena in the atmosphere and space;
- (2) The improvement of the usefulness, performance, speed, safety, and efficiency of aeronautical and space vehicles;

(3) The development and operation of vehicles capable of carrying instruments, equipment, supplies, and living organisms through space;

(4) The establishment of long-range studies of the potential benefits to be gained from, the opportunities for, and the problems involved in the utilization of aeronautical and space activities for peaceful and scientific purposes;

(5) The preservation of the role of the United States as a leader in aeronautical and space science and technology and in the application thereof to the conduct of peaceful activities within and outside the atmosphere;

(6) The making available to agencies directly concerned with national defense of discoveries that have military value or significance, and the furnishing by such agencies, to the civilian agency established to direct and control nonmilitary aeronautical and space activities, of information as to discoveries which have value or significance to that agency;

(7) Cooperation by the United States with other nations and groups of nations in work done pursuant to this Act and in the peaceful application of the results thereof; and

(8) The most effective utilization of the scientific and engineering resources of the United States, with close cooperation among all interested agencies of the United States in order to avoid unnecessary duplication of effort, facilities, and equipment.

(d) The Congress declares that the general welfare of the United States requires that the unique competence in scientific and engineering systems of the National Aeronautics and Space Administration also be directed toward ground propulsion systems research and development. Such development shall be conducted so as to contribute to the objectives of developing energy- and petroleum-conserving ground propulsion systems and of minimizing the environmental degradation caused by such systems.¹

(e) The Congress declares that the general welfare of the United States requires that the unique competence in scientific and engineering systems of the National Aeronautics and Space Administration also be directed toward the development of advanced automobile propulsion systems. Such development shall be conducted so as to contribute to the achievement of the purposes set

¹ The "Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976", Public Law 94-413, September 17, 1976, section 15, (90 Stat. 1270), added this new subsection (d) and redesignated old subsection (d) as subsection (e).

forth in section 302(b) of the Automotive Propulsion Research and Development Act of 1978.²

(f) The Congress declares that the general welfare of the United States requires that the unique competence of the National Aeronautics and Space Administration in science and engineering systems be directed to assisting in bioengineering research, development, and demonstration programs designed to alleviate and minimize the effects of disability.³

(g) It is the purpose of this Act to carry out and effectuate the policies declared in subsections (a), (b), (c), (d), (e) and (f).

DEFINITIONS

SEC. 103. As used in this Act—

42 U.S.C. 2452.

(1) the term "aeronautical and space activities" means (A) research into, and the solution of, problems of flight within and outside the earth's atmosphere, (B) the development, construction, testing, and operation for research purposes of aeronautical and space vehicles, (C) the operation of a space transportation system including the Space Shuttle, upper stages, space platforms, and related equipment,⁴ and (D) such other activities as may be required for the exploration of space; and

(2) the term "aeronautical and space vehicles" means aircraft, missiles, satellites, and other space vehicles, manned and unmanned, together with related equipment, devices, components, and parts.

TITLE II—COORDINATION OF AERONAUTICAL AND SPACE ACTIVITIES NATIONAL AERONAUTICS AND SPACE COUNCIL

[SEC. 201. (a) There is hereby established, in the Executive Office of the President, the National Aeronautics and Space Council. . . .]⁵

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 202.⁶ (a) There is hereby established the National Aeronautics and Space Administration (hereinafter

42 U.S.C. 2472.
Establishment;
Administrator.

² The "Department of Energy Act of 1978—Civilian Applications", Public Law 95-238, February 25, 1978, section 311 (92 Stat. 47), added a new subsection (e) and redesignated old subsection (e) as subsection (f).

³ The National Aeronautics and Space Administration Authorization Act, 1979 Public Law 95-401, September 30, 1978, section 7 (92 Stat. 860), added a new subsection (f) and redesignated old subsection (f) as subsection (g).

⁴ Subsection (C) was added by the "National Aeronautics and Space Administration Authorization Act, 1984," Public Law 98-52, July 15, 1983, section 108 (97 Stat. 285) which also redesignated old subsection (C) as (D).

⁵ Reorganization Plan No. 1 of 1973, 38 Federal Register 9579, April 18, 1973 (87 Stat. 1089), abolished the National Aeronautics and Space Council together with its functions, effective July 1, 1973.

⁶ The Federal Executive Salary Act of 1964, Public Law 88-426, August 14, 1964, section 305 (12), (78 Stat. 423), repealed the language in Sec. 202 (72 Stat. 429) fixing the compensation of the Administrator and Deputy Administrator at

Continued

called the "Administration"). The Administration shall be headed by an Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate. Under the supervision and direction of the President, the Administrator shall be responsible for the exercise of all powers and the discharge of all duties of the Administration, and shall have authority and control over all personnel and activities thereof.

Deputy
Administrator.

(b) There shall be in the Administration a Deputy Administrator, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate and shall perform such duties and exercise such powers as the Administrator may prescribe. The Deputy Administrator shall act for, and exercise the powers of, the Administrator during his absence or disability.

Restriction.

(c) The Administrator and the Deputy Administrator shall not engage in any other business, vocation, or employment while serving as such.

FUNCTIONS OF THE ADMINISTRATION

42 U.S.C. 2473.

SEC. 203. (a) The Administration, in order to carry out the purpose of this Act, shall—

(1) plan, direct, and conduct aeronautical and space activities;

(2) arrange for participation by the scientific community in planning scientific measurements and observations to be made through use of aeronautical and space vehicles, and conduct or arrange for the conduct of such measurements and observations; and

(3) provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof.

(b)(1) The Administration shall, to the extent of appropriated funds, initiate, support, and carry out such research, development, demonstration, and other related activities in ground propulsion technologies as are provided for in sections 4 through 10 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976.⁷

per annum rates of \$22,500 and \$21,500 respectively. In lieu thereof, the positions of Administrator and Deputy Administrator were placed in level II and level III, respectively, of the Federal Executive Salary Schedule. In addition, the Federal Executive Salary Act of 1964 placed ten other NASA positions in designated levels of the Federal Executive Salary Schedule (78 Stat. 416, as amended, 5 U.S.C. 5311-5317). See Appendix A, Sec. II, 1, at p. 26.

⁷ The "Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976," Public Law 94-413, September 17, 1976, section 15 (90 Stat. 1270) added this new subsection. Subsections b (1) and (2) were relettered by the "National Aeronautics and Space Administration Authorization Act, 1979," Public Law 95-401, September 30, 1978, Section 6 (92 Stat. 860), to correct a mislettering which resulted from the enactment of Public Law 94-413.

(2) The Administration shall initiate, support, and carry out such research, development, demonstrations, and other related activities in solar heating and cooling technologies (to the extent that funds are appropriated therefor) as are provided for in sections 5, 6, and 9 of the Solar Heating and Cooling Demonstration Act of 1974.⁸

Solar Heating and Cooling.

(c) In the performance of its functions the Administration is authorized—

Functions.

(1) to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of its operations and the exercise of the powers vested in it by law;

Rules and regulations.

(2) to appoint and fix the compensation of such officers and employees as may be necessary to carry out such functions. Such officers and employees shall be appointed in accordance with the civil-service laws and their compensation fixed in accordance with the Classification Act of 1949, except that (A) to the extent the Administrator deems such action necessary to the discharge of his responsibilities, he may appoint not more than four hundred and twenty-five of the scientific, engineering, and administrative personnel of the Administration without regard to such laws, and may fix the compensation of such personnel not in excess of the highest rate of grade 18 of the General Schedule of the Classification Act of 1949, as amended, and⁹

Employee appointment and compensation.

(B) to the extent the Administrator deems such action necessary to recruit specially qualified scientific and engineering talent, he may establish the entrance grade for scientific and engineering personnel without previous service in the Federal Government at a level up to two grades higher than the grade provided for such personnel under the General Schedule established by the Classification Act of 1949, and fix their compensation accordingly;

Excepted positions.

Entrance grades; scientific and engineering personnel.

(3) to acquire (by purchase, lease, condemnation, or otherwise), construct, improve, repair, operate, and maintain laboratories, research and testing sites and facilities, aeronautical and space vehicles, quarters and related accommodations for employees and dependents of employees of the Administration, and such other real and personal property (including patents), or any interest therein, as the Administration deems necessary within and outside the continental United States; to acquire by lease

Acquisition, construction, maintenance, etc.

Lease of buildings.

⁸ The "Solar Heating and Cooling Demonstration Act of 1974," Public Law 93-409, September 3, 1974, section 4 (88 Stat. 1070), added this new subsection. See Appendix A, sec. VIII, 1, at p. 86.

⁹ Section 414(a)(2) of the "Civil Service Reform Act of 1978," Public Law 95-454, October 13, 1978 (92 Stat. 1177) terminated the authority of any agency (other than pursuant to 5 U.S.C. 3104—see Appendix A, Sec. II, 3, at p. 26) to establish scientific or professional positions outside the General Schedule.

Disposal of
property.

Cafeterias and
other facilities
for employees.

Gifts.

Contracts,
leases, and
other
transactions.

Small-business
participation.

Agency
cooperation in
use of services;
equipment, etc.

or otherwise, through the Administrator of General Services, buildings or parts of buildings in the District of Columbia for the use of the Administration for a period not to exceed ten years without regard to the Act of March 3, 1877 (40 U.S.C. 34);¹⁰ to lease to others such real and personal property; to sell and otherwise dispose of real and personal property (including patents and rights thereunder) in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.); and to provide by contract or otherwise for cafeterias and other necessary facilities for the welfare of employees of the Administration at its installations and purchase and maintain equipment therefor;

(4) to accept unconditional gifts or donations of services, money, or property, real, personal, or mixed, tangible or intangible;

(5) without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of its work and on such terms as it may deem appropriate, with any agency or instrumentality of the United States, or with any State, Territory, or possession, or with any political subdivision thereof, or with any person, firm, association, corporation, or educational institution. To the maximum extent practicable and consistent with the accomplishment of the purposes of this Act, such contracts, leases, agreements, and other transactions shall be allocated by the Administrator in a manner which will enable small-business concerns to participate equitably and proportionately in the conduct of the work of the Administration;

(6) to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities. Each department and agency of the Federal Government shall cooperate fully with the Administration in making its services, equipment, personnel, and facilities available to the Administration, and any such department or agency is authorized, notwithstanding

¹⁰ 40 U.S.C. 34 provides that "no contract shall be made for the rent of any building . . . to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress. . . ." The authority of NASA to lease buildings in the District of Columbia was added to section 203(c)(3) by Public Law 86-20, May 13, 1959 (73 Stat. 21), to remedy the peculiar situation at that time where the Agency had the money but no authority, and GSA had the authority but no money, to provide the Agency with its own office space.

any other provision of law, to transfer to or to receive from the Administration, without reimbursement, aeronautical and space vehicles, and supplies and equipment other than administrative supplies or equipment;

(7) to appoint such advisory committees as may be appropriate for purposes of consultation and advice to the Administration in the performance of its functions;

Advisory committees.

(8) to establish within the Administration such offices and procedures as may be appropriate to provide for the greatest possible coordination of its activities under this Act with related scientific and other activities being carried on by other public and private agencies and organizations;

Coordination with related activities.

(9) to obtain services as authorized by section 3109 of title 5, United States Code, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18;¹¹

Experts and consultants.

(10) when determined by the Administrator to be necessary, and subject to such security investigations as he may determine to be appropriate, to employ aliens without regard to statutory provisions prohibiting payment of compensation to aliens;

Employment of aliens.

(11) to provide by concession, without regard to section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), on such terms as the Administrator may deem to be appropriate and to be necessary to protect the concessioner against loss of his investment in property (but not anticipated profits) resulting from the Administration's discretionary acts and decisions, for the construction, maintenance, and operation of all manner of facilities and equipment for visitors to the several installations of the Administration and, in connection therewith, to provide services incident to the dissemination of information concerning its activities to such visitors, without charge or with a reasonable charge therefor (with this authority being in addition to any other authority which the Administration may have to provide facilities, equipment, and services for visitors to its installations). A concession agreement under this paragraph may be negotiated with any qualified proposer following due consideration of all proposals received after reasonable public notice of the intention to contract. The concessioner shall be afforded a reasonable opportunity to make a profit commensurate with the capital invested

NASA installations, visitor facilities, concessions.

¹¹ Previous language authorizing pay not to exceed \$100 per diem was amended to read as stated above by the "National Aeronautics and Space Administration Authorization Act, 1975," Public Law 93-316, June 22, 1974, Section 6 (88 Stat. 243).

and the obligations assumed, and the consideration paid by him for the concession shall be based on the probable value of such opportunity and not on maximizing revenue to the United States. Each concession agreement shall specify the manner in which the concessioner's records are to be maintained, and shall provide for access to any such records by the Administration and the Comptroller General of the United States for a period of five years after the close of the business year to which such records relate. A concessioner may be accorded a possessory interest, consisting of all incidents of ownership except legal title (which shall vest in the United States), in any structure, fixture, or improvement he constructs or locates upon land owned by the United States; and, with the approval of the Administration, such possessory interest may be assigned, transferred, encumbered, or relinquished by him, and, unless otherwise provided by contract, shall not be extinguished by the expiration or other termination of the concession and may not be taken for public use without just compensation;¹²

(12) with the approval of the President, to enter into cooperative agreements under which members of the Army, Navy, Air Force, and Marine Corps may be detailed by the appropriate Secretary for services in the performance of functions under this Act to the same extent as that to which they might be lawfully assigned in the Department of Defense;

Claims against
United States.

(13)(A) to consider, ascertain, adjust, determine, settle, and pay, on behalf of the United States, in full satisfaction thereof, any claim for \$25,000¹³ or less against the United States for bodily injury, death, or damage to or loss of real or personal property resulting from the conduct of the Administration's functions as specified in subsection (a) of this section, where such claim is presented to the Administration in writing within two years after the accident or incident out of which the claim arises; and

(B) if the Administration considers that a claim in excess of \$25,000 is meritorious and would otherwise be covered by this paragraph, to report the

¹² The "National Aeronautics and Space Administration Authorization Act, 1974," Public Law 93-74, July 23, 1973, section 6 (87 Stat. 174) added paragraph 11. Previously, Title IV, section 402 (a)(34) of the Dual Compensation Act (Public Law 88-448, August 19, 1964, 78 Stat. 495) repealed the original section 203 (b)(11), 72 Stat. 431, which had authorized NASA "to employ retired commissioned officers of the armed forces of the United States and compensate them at the rate. . . ."

¹³ The "National Aeronautics and Space Administration Authorization Act, 1980," Public Law 96-48, August 8, 1979, section 6(a), (93 Stat. 348) substituted "\$25,000" for "\$5,000" each place it appeared.

facts and circumstances thereof to the Congress for its consideration;¹⁴ and

[14] Repealed.¹⁵

SEC. 204. **[Civilian-Military Liaison Committee]** abolished¹⁶

INTERNATIONAL COOPERATION

SEC. 205. The Administration, under the foreign policy guidance of the President, may engage in a program of international cooperation in work done pursuant to this Act, and in the peaceful application of the results thereof, pursuant to agreements made by the President with the advice and consent of the Senate.¹⁷ 42 U.S.C. 2475.

REPORTS TO CONGRESS

SEC. 206. (a) The President shall transmit to the Congress in January of each year a report, which shall include (1) a comprehensive description of the programmed activities and the accomplishments of all agencies of the United States in the field of aeronautics and space activities during the preceding calendar year, and (2) an evaluation of such activities and accomplishments in terms of the attainment of, or the failure to attain, the objectives described in section 102(c) of this Act. 42 U.S.C. 2476. President's annual report of aeronautics and space activities.

(b) Any report made under this section shall contain such recommendations for additional legislation as the Administrator or the President may consider necessary or desirable for the attainment of the objectives described in section 102(c) of this Act.

(c) No information which has been classified for reasons of national security shall be included in any report made under this section, unless such information has been declassified by, or pursuant to authorization given by, the President.¹⁸

¹⁴ NASA, like other Federal Agencies, can settle claims under the Federal Tort Claims Act as amended (28 U.S.C. 2671-2680).

¹⁵ The "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," Public Law 91-646, January 2, 1971, section 220(a)(2), (84 Stat. 1903), repealed section 203(b)(14) which had dealt with relocation assistance and had been added by the "National Aeronautics and Space Administration Authorization Act, 1963," Public Law 87-585, August 14, 1962, section 6 (76 Stat. 384).

¹⁶ This section has been omitted since the Committee was abolished and its functions, together with the function of its chairman and other officers, were transferred to the President by Reorganization Plan No. 4 of 1965, effective July 27, 1965 (30 Federal Register 9253, July 28, 1965, 79 Stat. 1319).

¹⁷ President Eisenhower, upon the signing of the National Aeronautics and Space Act of 1958, singled out and made the following statement about section 205: "I regard this section merely as recognizing that international treaties may be made in this field, and as not precluding, in appropriate cases, less formal arrangements for cooperation. To construe the section otherwise would raise substantial constitutional questions."

¹⁸ The "National Aeronautics and Space Administration Authorization Act, 1972," Public Law 92-68, August 6, 1971, section 7 (85 Stat. 177), repealed the original subsection (a) of section 206 and relettered the remaining subsections (b), (c) and (d) as (a), (b) and (c).

DISPOSAL OF EXCESS LAND

42 U.S.C. 2476a.
Approval by
congressional
committees.

SEC. 207. Notwithstanding the provisions of this or any other law, the Administration may not report to a disposal agency as excess to the needs of the Administration any land having an estimated value in excess of \$50,000 which is owned by the United States and under the jurisdiction and control of the Administration, unless (A) a period of thirty days has passed after the receipt by the Speaker and the Committee on Science and Astronautics of the House of Representatives and the President and the Committee on Aeronautics and Space Sciences of the Senate ¹⁹ of a report by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.²⁰

TITLE III—MISCELLANEOUS

NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Note under 42
U.S.C. 2472.
Termination.
Transfer of
Functions.

SEC. 301. (a) The National Advisory Committee for Aeronautics, on the effective date of this section, shall cease to exist. On such date all functions, powers, duties, and obligations, and all real and personal property, personnel (other than members of the Committee), funds, and records of that organization, shall be transferred to the Administration.

Procurement.

(b) Section 2302 of title 10 of the United States Code is amended by striking out "or the Executive Secretary of the National Advisory Committee for Aeronautics," and inserting in lieu thereof "or the Administrator of the National Aeronautics and Space Administration."; and section 2303 of such title 10 is amended by striking out "of the National Advisory Committee for Aeronautics." and inserting in lieu thereof "The National Aeronautics and Space Administration."

National
security;
suspension of
employees.

(c) The first section of the Act of August 26, 1950 (5 U.S.C. 22-1),²¹ is amended by striking out "the Direc-

¹⁹ The "Committee Reform Amendments of 1974" (October 8, 1974), changed the name of the Committee on Science and Astronautics of the House of Representatives to the Committee on Science and Technology. The Committee on Aeronautical and Space Sciences of the Senate was abolished and its jurisdiction transferred to the new Committee on Commerce, Science and Transportation, especially the Subcommittee on Science, Technology, and Space thereof, by the "Committee System Reorganization Amendments of 1977" (February 2, 1977).

²⁰ The "National Aeronautics and Space Administration Authorization Act, 1974," Public Law 93-74, July 23, 1973, section 7 (87 Stat. 175), added section 207. Clause (B) is now unconstitutional under the Supreme Court's legislative veto decision, *Immigration and Naturalization Service v. Chadha*, — U.S.—, 103 S. Ct. 2764 (1983), 51 USLW 4907.

²¹ The Act of August 26, 1950, was enacted to "protect the national security of the United States by permitting the summary suspension of employment of

Continued

tor, National Advisory Committee for Aeronautics" and inserting in lieu thereof "the Administrator of the National Aeronautics and Space Administration", and by striking out "or National Advisory Committee for Aeronautics" and inserting in lieu thereof "or National Aeronautics and Space Administration".

(d) The Unitary Wind Tunnel Plan Act of 1949 (50 U.S.C. 511-515) is amended (1) by striking out "The National Advisory Committee for Aeronautics (hereinafter referred to as the 'Committee')" and inserting in lieu thereof "The Administrator of the National Aeronautics and Space Administration (hereinafter referred to as the 'Administrator')"; (2) by striking out "Committee" or "Committee's" wherever they appear and inserting in lieu thereof "Administrator" and "Administrators", respectively; and (3) by striking out "its" wherever it appears and inserting in lieu thereof "his".

Unitary Wind
Tunnel Plan
Act of 1949.

(e) This section shall take effect ninety days after the date of the enactment of this Act, or on any earlier date on which the Administrator shall determine, and announce by proclamation published in the Federal Register, that the Administration has been organized and is prepared to discharge the duties and exercise the powers conferred upon it by this Act.²²

Effective date.

Publication in
F.R.

TRANSFER OF RELATED FUNCTIONS

SEC. 302. (a) Subject to the provisions of this section, the President, for a period of four years after the date of enactment of this Act, may transfer to the Administration any functions (including powers, duties, activities, facilities, and parts of functions) of any other department or agency of the United States, or of any officer or organizational entity thereof, which relate primarily to the functions, powers, and duties of the Administration as prescribed by section 203 of this Act. In connection with any such transfer, the President may, under this section or other applicable authority, provide for appropriate transfers of records, property, civilian personnel, and funds.²³

(b) Whenever any such transfer is made before January 1, 1959, the President shall transmit to the Speaker

civilian officers and employees of government." That Act was amended several times and then replaced by 5 U.S.C. 3571, 5594, 7312, 7501(c), 7512(c), and 7532. 5 U.S.C. 5594 was repealed by sec. 1(34)(B) of Public Law 90-83, September 11, 1967 (81 Stat. 201).

²² Effective close of business September 30 1958, by virtue of proclamation of September 25, 1958 (23 Federal Register 7595, September 30, 1958).

²³ Transfers pursuant to sec. 302 have been: Executive Order 10783, October 1, 1958, transferring from the Department of Defense the Project VANGUARD and other projects of Advanced Research Projects Agency and of Department of the Air Force relating to space activities; Executive Order 10793, December 3, 1958, transferring from Department of the Army the Jet Propulsion Laboratory (near Pasadena, California); Transfer Plan, delivered to Congress January 14, 1960, effective March 15, 1960, transferring from the Department of Defense the activities of development and research of space vehicle systems and specifically the Development Operations Division of the Army Ballistic Missile Agency (near Huntsville, Alabama).

of the House of Representatives and the President pro tempore of the Senate a full and complete report concerning the nature and effect of such transfer.

(c) After December 31, 1958, no transfer shall be made under this section until (1) a full and complete report concerning the nature and effect of such proposed transfer has been transmitted by the President to the Congress, and (2) the first period of sixty calendar days of regular session of the Congress following the date of receipt of such report by the Congress has expired without the adoption by the Congress of a concurrent resolution stating that the Congress does not favor such transfer.²⁴

ACCESS TO INFORMATION

42 U.S.C. 2454.
Public
inspection
exceptions.

SEC. 303. Information obtained or developed by the Administrator in the performance of his functions under this Act shall be made available for public inspection, except (A) information authorized or required by Federal statute to be withheld, and (B) information classified to protect the national security: *Provided*, That nothing in this Act shall authorize the withholding of information by the Administrator from the duly authorized committees of the Congress.

SECURITY

42 U.S.C. 2455.
Requirements.
Investigations.

SEC. 304. (a) The Administrator shall establish such security requirements, restrictions, and safeguards as he deems necessary in the interest of the national security. The Administrator may arrange with the Office of Personnel Management for the conduct of such security or other personnel investigations of the Administration's officers, employees, and consultants, and its contractors and subcontractors and their officers and employees, actual or prospective, as he deems appropriate; and if any such investigation develops any data reflecting that the individual who is the subject thereof is of questionable loyalty the matter shall be referred to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Administrator.

Referral to
F.B.I.

Access to AEC
restricted data.

(b) The Atomic Energy Commission²⁵ may authorize any of its employees, or employees of any contractor, prospective contractor, licensee, or prospective licensee

²⁴ Clause (2) is unconstitutional under the Supreme Court's legislative veto decision, *Immigration and Naturalization Service v. Chadha*, — U.S. —, 103 S. Ct. 2764 (1983), 51 USLW 4907.

²⁵ The Atomic Energy Commission was abolished and all functions were transferred to the Administrator of the Energy Research and Development Administration (ERDA) (unless otherwise specifically provided) by Public Law 93-438, title I, section 104, Oct. 11, 1974, (88 Stat. 1273). ERDA was terminated and its functions transferred to the Secretary of Energy (unless otherwise specifically provided) by Public Law 95-91, title III, section 301, (91 Stat. 577), and title VII, section 703, (91 Stat. 606), Aug. 4, 1977.

of the Atomic Energy Commission or any other person authorized to have access to Restricted Data by the Atomic Energy Commission under subsection 145b, of the Atomic Energy Act of 1954 (42 U.S.C. 2165(b)), to permit any member, officer, or employee of the Council, or the Administrator, or any officer, employee, member of an advisory committee, contractor, subcontractor, or officer or employee of a contractor or subcontractor of the Administration, to have access to Restricted Data relating to aeronautical and space activities which is required in the performance of his duties and so certified by the Council or the Administrator, as the case may be, but only if (1) the Council or Administrator or designee thereof has determined, in accordance with the established personnel security procedures and standards of the Council or Administration, that permitting such individual to have access to such Restricted Data will not endanger the common defense and security, and (2) the Council or Administrator or designee thereof finds that the established personnel and other security procedures and standards of the Council or Administration are adequate and in reasonable conformity to the standards established by the Atomic Energy Commission under section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165). Any individual granted access to such Restricted Data pursuant to this subsection may exchange such Data with any individual who (A) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the armed forces, or a contractor or subcontractor of any such department, agency, or armed force, or an officer or employee of any such contractor or subcontractor, and (B) has been authorized to have access to Restricted Data under the provisions of section 143 of the Atomic Energy Act of 1954 (42 U.S.C. 2163).

(c) Chapter 37 of title 18 of the United States Code (entitled Espionage and Censorship) is amended by—

Espionage and
censorship.

(1) adding at the end thereof the following new section:

"§ 799. Violation of regulations of National Aeronautics and Space Administration."

"Whoever willfully shall violate, attempt to violate, or conspire to violate any regulation or order promulgated by the Administrator of the National Aeronautics and Space Administration for the protection or security of any laboratory, station, base or other facility, or part thereof, or any aircraft, missile, spacecraft, or similar vehicle, or part thereof, or other property or equipment in the custody of the Administration, or any real or personal property or equipment in the custody of any contractor under any contract with the Administration or any subcontractor of any such contractor, shall be fined

Violation of
regulations.

not more than \$5,000, or imprisoned not more than one year, or both."

Penalty.

(2) adding at the end of the sectional analysis thereof the following new item:

"799. Violation of regulations of National Aeronautics and Space Administration."

Protection of
NASA officers
and employees.

(d) Section 1114 of title 18 of the United States Code is amended by inserting immediately before "while engaged in the performance of the his official duties" the following: "or any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Aeronautics and Space Administration,".

42 U.S.C. 2456.
Permission to
use firearms.

(e) The Administrator may direct such of the officers and employees of the Administration as he deems necessary in the public interest, to carry firearms while in the conduct of their official duties. The Administrator may also authorize such of those employees of the contractors and subcontractors of the Administration engaged in the protection of property owned by the United States and located at facilities owned by or contracted to the United States as he deems necessary in the public interest, to carry firearms while in the conduct of their official duties.

PROPERTY RIGHTS IN INVENTIONS

42 U.S.C. 2457.
Inventions
made in
performance of
work under
contract.

SEC. 305. (a) Whenever any invention is made in the performance of any work under any contract of the Administration, and the Administrator determines that—

(1) the person who made the invention was employed or assigned to perform research, development, or exploration work and the invention is related to the work he was employed or assigned to perform, or that it was within the scope of his employment duties, whether or not it was made during working hours, or with a contribution by the Government of the use of Government facilities, equipment, materials, allocated funds, information proprietary to the Government, or services of Government employees during working hours; or

(2) the person who made the invention was not employed or assigned to perform research, development, or exploration work, but the invention is nevertheless related to the contract, or to the work or duties he was employed or assigned to perform, and was made during working hours, or with a contribution from the Government of the sort referred to in clause (1),

Exclusive
property of
United States;
issuance of
patent.

such invention shall be the exclusive property of the United States, and if such invention is patentable a patent therefor shall be issued to the United States

upon application made by the Administrator, unless the Administrator waives all or any part of the rights of the United States to such invention in conformity with the provisions of subsection (f) of this section.

(b) Each contract entered into by the Administrator with any party for the performance of any work shall contain effective provisions under which such party shall furnish promptly to the Administrator a written report containing full and complete technical information concerning any invention, discovery, improvement, or innovation which may be made in the performance of any such work.

Contract
provision for
reporting
inventions, etc.

(c) No patent may be issued to any applicant other than the Administrator for any invention which appears to the Commissioner of Patents to have significant utility in the conduct of aeronautical and space activities unless the applicant files with the Commissioner, with the application or within thirty days after request therefor by the Commissioner, a written statement executed under oath setting forth the full facts concerning the circumstances under which such invention was made and stating the relationship (if any) of such invention to the performance of any work under any contract of the Administration. Copies of each such statement and the application to which it relates shall be transmitted forthwith by the Commissioner to the Administrator.

Patent
application.

(d) Upon any application as to which any such statement has been transmitted to the Administrator, the Commissioner may, if the invention is patentable, issue a patent to the applicant unless the Administrator, within ninety days after receipt of such application and statement, requests that such patent be issued to him on behalf of the United States. If, within such time, the Administrator files such a request with the Commissioner, the Commissioner shall transmit notice thereof to the applicant, and shall issue such patent to the Administrator unless the applicant within thirty days after receipt of such notice requests a hearing before a Board of Patent Interferences on the question whether the Administrator is entitled under this section to receive such patent. The Board may hear and determine, in accordance with rules and procedures established for interference cases, the question so presented, and its determination shall be subject to appeal by the applicant or by the Administrator to the United States Court of Appeals for the Federal Circuit ²⁶ in accordance with procedures governing appeals from decisions of the Board of Patent Interferences in other proceedings.

Patent issuance
to applicant.

Board of Patent
Interferences.

²⁶ The "Federal Courts Improvement Act of 1982," Public Law 97-164, April 2, 1982, Title I, section 162(3), (96 Stat: 49) substituted "United States Courts of Appeals for the Federal Circuit" for "Court of Customs and Patent Appeals."

False representations, request for transfer of title to patent.

(e) Whenever any patent has been issued to any applicant in conformity with subsection (d), and the Administrator thereafter has reason to believe that the statement filed by the applicant in connection therewith contained any false representation of any material fact, the Administrator within five years after the date of issuance of such patent may file with the Commissioner a request for the transfer to the Administrator of title to such patent on the records of the Commissioner. Notice of any such request shall be transmitted by the Commissioner to the owner of record of such patent, and title to such patent shall be so transferred to the Administrator unless within thirty days after receipt of such notice such owner of record requests a hearing before a Board of Patent Interferences on the question whether any such false representation was contained in such statement. Such question shall be heard and determined, and determination thereof shall be subject to review, in the manner prescribed by subsection (d) for questions arising thereunder. No request made by the Administrator under this subsection for the transfer of title to any patent, and no prosecution for the violation of any criminal statute, shall be barred by any failure of the Administrator to make a request under subsection (d) for the issuance of such patent to him, or by any notice previously given by the Administrator stating that he had no objection to the issuance of such patent to the applicant therefor.

Waiver of rights to inventions.

(f) Under such regulations in conformity with this subsection as the Administrator shall prescribe, he may waive all or any part of the rights of the United States under this section with respect to any invention or class of inventions made or which may be made by any person or class of persons in the performance of any work required by any contract of the Administration if the Administrator determines that the interests of the United States will be served thereby. Any such waiver may be made upon such terms and under such conditions as the Administrator shall determine to be required for the protection of the interests of the United States. Each such waiver made with respect to any invention shall be subject to the reservation by the Administrator of an irrevocable, nonexclusive, nontransferable, royalty-free license for the practice of such invention throughout the world by or on behalf of the United States or any foreign government pursuant to any treaty or agreement with the United States. Each proposal for any waiver under this subsection shall be referred to an Inventions and Contribution Board which shall be established by the Administrator within the Administration. Such Board shall accord to each interested party an opportunity for hearing, and shall transmit to the Administrator its findings of fact with re-

Inventions and Contributions Board.

spect to such proposal and its recommendations for action to be taken with respect thereto.

[(g)] deleted ²⁷

(h) The Administrator is authorized to take all suitable and necessary steps to protect any invention or discovery to which he has title, and to require that contractors or persons who retain title to inventions or discoveries under this section protect the inventions or discoveries to which the Administration has or may acquire a license of use.

License regulations.
Protection of title.

(i) The Administration shall be considered a defense agency of the United States for the purpose of chapter 17 of title 35 of the United States Code.

Defense agency.

(j) As used in this section—

(1) the term "person" means any individual, partnership, corporation, association, institution, or other entity;

Definitions.

(2) the term "contract" means any actual or proposed contract, agreement, understanding, or other arrangement, and includes any assignment, substitution of parties, or subcontract executed or entered into thereunder; and

(3) the term "made", when used in relation to any invention, means the conception or first actual reduction to practice of such invention.

(k) Any object intended for launch, launched, or assembled in outer space shall be considered a vehicle for purpose of section 272 of title 35, United States Code [35 U.S.C. 272].²⁸

Definition of vehicle.

(l) The use or manufacture of any patented invention incorporated in a space vehicle launched by the United States Government for a person other than the United States shall not be considered to be a use or manufacture by or for the United States within the meaning of section 1498(a) of title 28, United States Code (28 U.S.C. 1498(a)) unless the Administration gives an express authorization or consent for such use or manufacture.²⁹

Use of patented invention in space vehicle.

CONTRIBUTIONS AWARDS

SEC. 306. (a) Subject to the provisions of this section, the Administrator is authorized, upon his own initiative or upon application of any person, to make a monetary award, in such amount and upon such terms as he shall determine to be warranted, to any person (as defined by section 305) for any scientific or technical contribution to the Administration which is determined by the Ad-

42 U.S.C. 2458.
Application.

²⁷ The "Small Business and University Patent Procedures Act," Public Law 96-517, December 12, 1980, section 7(b), (94 Stat. 3027) deleted subsection (g) which authorized the Administrator to promulgate regulations for the granting of licenses for NASA patents. Section 8(f) of the Act provided that such deletion was effective on July 1, 1981.

²⁸ The "National Aeronautics and Space Administration Authorization Act, 1982," Public Law 97-96, December 21, 1981, section 7 (95 Stat. 1210) added this subsection.

²⁹ *Idem*.

Referral to
Inventions and
Contributions
Board, hearing
and recom-
mendation.
Determination
by
Administrator.

ministrator to have significant value in the conduct of aeronautical and space activities. Each application made for any such award shall be referred to the Inventions and Contributions Board established under section 305 of this Act. Such Board shall accord to each such applicant an opportunity for hearing upon such application, and shall transmit to the Administrator its recommendation as to the terms of the award, if any, to be made to such applicant for such contribution. In determining the terms and conditions of any award the Administrator shall take into account—

(1) the value of the contribution to the United States;

(2) the aggregate amount of any sums which have been expended by the applicant for the development of such contribution;

(3) the amount of any compensation (other than salary received for services rendered as an officer or employee of the Government) previously received by the applicant for or on account of the use of such contribution by the United States; and

(4) such other factors as the Administrator shall determine to be material.

Apportionment
of award.

(b) If more than one applicant under subsection (a) claims an interest in the same contribution, the Administrator shall ascertain and determine the respective interests of such applicants, and shall apportion any award to be made with respect to such contribution among such applicants in such proportions as he shall determine to be equitable. No award may be made under subsection (a) with respect to any contribution—

Surrender of
claims to
compensation.

(1) unless the applicant surrenders, by such means as the Administrator shall determine to be effective, all claims which such applicant may have to receive any compensation (other than the award made under this section) for the use of such contribution or any element thereof at any time by or on behalf of the United States, or by or on behalf of any foreign government pursuant to any treaty or agreement with the United States, within the United States or at any other place;

Limitation of
amount; report
to Congress.

(2) in any amount exceeding \$100,000, unless the Administrator has transmitted to the appropriate committees of the Congress a full and complete report concerning the amount and terms of, and the basis for, such proposed award, and thirty calendar days of regular session of the Congress have expired after receipt of such report by such committees.

DEFENSE OF CERTAIN MALPRACTICE AND NEGLIGENCE SUITS

42 U.S.C. 2458a.

SEC. 307. (a) The remedy against the United States provided by sections 1346(b) and 2672 of title 28, United

States Code, for damages for personal injury, including death, caused by the negligent or wrongful act or omission of any physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (including medical and dental technicians, nursing assistants, and therapists) of the Administration in the performance of medical, dental, or related health care functions (including clinical studies and investigations) while acting within the scope of his duties or employment therein or therefor shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or the estate of such person) whose act or omission gave rise to such action or proceeding.

(b) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) of this section (or the estate of such person) for any such injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person or an attested true copy thereof to such person's immediate superior or to whomever was designated by the Administrator to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States Attorney for the district embracing the place wherein the proceeding is brought to the Attorney General and to the Administrator.

Attorney General to defend any civil action for malpractice or negligence.

(c) Upon a certification by the Attorney General that any person described in subsection (a) was acting in the scope of such person's duties or employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28, United States Code, and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the case so removed is one in which a remedy by suit within the meaning of subsection (a) of this section is not available against the United States, the case shall be remanded to the State court.

Removal of actions.

(d) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, United States Code, and with the same effect.

Settlement of claims.

(e) For purposes of this section, the provisions of section 2680(h) of title 28, United States Code, shall not

apply to any cause of action arising out of a negligent or wrongful act or omission in the performance of medical, dental, or related health care functions (including clinical studies and investigations).

Liability
Insurance for
persons
assigned to a
foreign country
or non-Federal
agency.

(f) The Administrator or his designee may, to the extent that the Administrator or his designee deem appropriate, hold harmless or provide liability insurance for any person described in subsection (a) for damages for personal injury, including death, caused by such person's negligent or wrongful act or omission in the performance of medical, dental, or related health care functions (including clinical studies and investigations) while acting within the scope of such person's duties if such person is assigned to a foreign country or detailed for service with other than a Federal department, agency, or instrumentality or if the circumstances are such as are likely to preclude the remedies of third persons against the United States described in section 2679(b) of title 28, United States Code, for such damage or injury.³⁰

INSURANCE AND INDEMNIFICATION ³¹

42 U.S.C. 2458b.
Authorization
to provide
liability
insurance.

SEC. 308. (a) The Administration is authorized on such terms and to the extent it may deem appropriate to provide liability insurance for any user of a space vehicle to compensate all or a portion of claims by third parties for death, bodily injury, or loss of or damage to property resulting from activities carried on in connection with the launch, operations or recovery of the space vehicle. Appropriations available to the Administration may be used to acquire such insurance, but such appropriations shall be reimbursed to the maximum extent practicable by the users under reimbursement policies established pursuant to section 203(c) of this Act (42 USCS § 2473(c)).

Indemnification
of user.

(b) Under such regulations in conformity with this section as the Administrator shall prescribe taking into account the availability, cost and terms of liability insurance, any agreement between the Administration and a user of a space vehicle may provide that the United States will indemnify the user against claims (including reasonable expenses of litigation or settlement) by third parties for death, bodily injury, or loss of or damage to property resulting from activities carried on in connection with the launch, operations or recovery of the space vehicle, but only to the extent that

³⁰ A law, "Medical Malpractice-Actions Against U.S.," Public Law 94-464, October 8, 1976, section 3 (90 Stat. 1988), added this new section 307 and redesignated old section 307 as section 308.

³¹ The "National Aeronautics and Space Administration Authorization Act, 1980," Public Law 96-48, August 8, 1979, section 6(b), (93 Stat. 348) added new section 308 and redesignated old section 308 as section 309. Section 6(c) of that act provided that the amendment would be effective October 1, 1979.

such claims are not compensated by liability insurance of the user: *Provided*, That such indemnification may be limited to claims resulting from other than the actual negligence or willful misconduct of the user.

(c) An agreement made under subsection (b) that provides indemnification must also provide for—

Notice of suit;
control of suit.

(1) notice to the United States of any claim or suit against the user for the death, bodily injury, or loss of or damage to the property; and

(2) control of or assistance in the defense by the United States, at its election, of that suit or claim.

(d) No payment may be made under subsection (b) unless the Administrator or his designee certifies that the amount is just and reasonable.

Payments.

(e) Upon the approval by the Administrator, payments under subsection (b) may be made, at the Administrator's election, either from funds available for research and development not otherwise obligated or from funds appropriated for such payments.

(f) As used in this section—

(1) the term "space vehicle" means an object intended for launch, launched or assembled in outer space, including the Space Shuttle and other components of a space transportation system, together with related equipment, devices, components and parts;

Definitions.

(2) the term "user" includes anyone who enters into an agreement with the Administration for use of all or a portion of a space vehicle, who owns or provides property to be flown on a space vehicle, or who employs a person to be flown on a space vehicle; and

(3) the term "third party" means any person who may institute a claim against a user for death, bodily injury or loss of or damage to property.

APPROPRIATIONS ³²

SEC. 309. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act, except that nothing in this Act shall authorize the appropriation of any amount for (1) the acquisition or condemnation of any real property, or (2) any other item of a capital nature (such as plant or facility acquisition, construction, or expansion) which exceeds \$250,000. Sums appropriated pursuant to this subsection for the construction of facilities, or for research and development activities, shall remain available until expended.

42 U.S.C. 2459.
Authorization
or
appropriation.

(b) Any funds appropriated for the construction of facilities may be used for emergency repairs of existing facilities when such-existing facilities are made inoper-

Funds for
emergency
repairs.

³² For other laws affecting NASA's appropriations, see section I of Appendix A.

ative by major breakdown, accident, or other circumstances and such repairs are deemed by the Administrator to be of greater urgency than the construction of new facilities.

Expiration of
authorizations.

(c) Notwithstanding any other provision of law, the authorization of any appropriation to the Administration shall expire (unless an earlier expiration is specifically provided) at the close of the third fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.³³

MISUSE OF AGENCY NAME AND INITIALS

"SEC. 310. (a) No person (as defined by section 305) may (1) knowingly use the words 'National Aeronautics and Space Administration' or the letters 'NASA', or a combination, variation, or colorable imitation of those words or letters either alone or in combination with other words or letters, as a firm or business name in a manner reasonably calculated to convey the impression that such firm or business has some connection with, endorsement of or authorization from, the National Aeronautics and Space Administration which does not, in fact, exist; or (2) knowingly use those words or letters or any combination, variation, or colorable imitation thereof either alone or in combination with other words or letters in connection with any product or service being offered or made available to the public in a manner reasonably calculated to convey the impression that such product or service has the authorization, support, sponsorship, or endorsement of, or the development, use, or manufacture by or on behalf of the National Aeronautics and Space Administration which does not, in fact, exist.

"(b) Whenever it appears to the Attorney General that any person is engaged in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice".³⁴

³³ Subsection (c) of section 309 was added by section 6 of the "National Aeronautics and Space Administration Authorization Act, 1963," Public Law 88-113, September 6, 1963 (77 Stat. 144); note that section 309 in the original Space Act was section 307. Public Law 94-464 (see footnote 27) changed it to section 308. Public Law 96-48 (see footnote 28) changed it to section 309.

³⁴ This section was added by section 107 of the "National Aeronautics and Space Administration Authorization Act, 1984," Public Law 98-52, July 15, 1983 (97 Stat. 284).

TITLE IV—UPPER ATMOSPHERIC RESEARCH³⁵

PURPOSE AND POLICY

SEC. 401. (a) The purpose of this title is to authorize and direct the Administration to develop and carry out a comprehensive program of research, technology, and monitoring of the phenomena of the upper atmosphere so as to provide for an understanding of and to maintain the chemical and physical integrity of the Earth's upper atmosphere. 42 USC 2481.

(b) The Congress declares that it is the policy of the United States to undertake an immediate and appropriate research, technology, and monitoring program that will provide for understanding the physics and chemistry of the Earth's upper atmosphere.

DEFINITIONS

SEC. 402. For the purpose of this title the term "upper atmosphere" means that portion of the Earth's sensible atmosphere above the troposphere. 42 USC 2482.

PROGRAM AUTHORIZED

SEC. 403. (a) In order to carry out the purposes of this title the Administration in cooperation with other Federal agencies, shall initiate and carry out a program of research, technology, monitoring, and other appropriate activities directed to understand the physics and chemistry of the upper atmosphere. 42 USC 2483.

(b) In carrying out the provisions of this title the Administration shall—

(1) arrange for participation by the scientific and engineering community, of both the Nation's industrial organizations and institutions of higher education, in planning and carrying out appropriate research, in developing necessary technology and in making necessary observations and measurements;

(2) provide, by way of grant, contract, scholarships or other arrangements, to the maximum extent practicable and consistent with other laws, for the widest practicable and appropriate participation of the scientific and engineering community in the program authorized by this title; and

(3) make all results of the program authorized by this title available to the appropriate regulatory agencies and provide for the widest practicable dissemination of such results.

³⁵This title was added by section 8 of the "National Aeronautics and Space Administration Authorization Act, 1976," Public Law 94-39, June 19, 1975 (89 Stat. 222).

INTERNATIONAL COOPERATION

42 USC 2484.

SEC. 404. In carrying out the provisions of this title, the Administration, subject to the direction of the President and after consultation with the Secretary of State, shall make every effort to enlist the support and cooperation of appropriate scientists and engineers of other countries and international organizations.

APPENDICES

APPENDIX A

Related Legislation

SECTION I. AUTHORIZATION AND APPROPRIATION REQUIREMENTS

(1) Authorization of appropriations required

Section 307(a) (now 309(a)) of the National Aeronautics and Space Act of 1958 (July 29, 1958, 72 Stat. 438), *supra*, authorized the appropriation of "such sums as may be necessary to carry out this Act." Less than 1 month later, however, Congress acted to require that appropriations to NASA for any period prior to June 30, 1960, must first be authorized by specific legislation (Public Law 85-766, ch. VII, Aug. 27, 1958, 72 Stat. 873). This requirement of prior authorization was made permanent by section 4 of Public Law 86-45, June 15, 1959 (73 Stat. 75, 42 U.S.C. 2460), which reads as follows:

"Notwithstanding the provisions of any other law, no appropriation may be made to the National Aeronautics and Space Administration unless previously authorized by legislation hereafter enacted by the Congress." 42 USC 2460.

(2) Availability of appropriations ³⁶

§ 699. National Aeronautics and Space Administration appropriations; availability of certain appropriations without fiscal year limitation.

When so specified in an appropriation act for the National Aeronautics and Space Administration, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of

³⁶ This language, codified at 31 U.S.C. 699, was included in NASA Authorization Acts from fiscal years 1960 through 1971. In fiscal year 1972, the "Construction of facilities" appropriation availability was, and has since been, limited to 3 years, and in fiscal year 1978, the "Research and development" appropriation availability was, and has since been, limited to 2 years.

twelve months beginning at any time during the fiscal year.

(3) Audit of Nonappropriated Fund Activities (P.L. 93-604, Jan. 2, 1975 (88 Stat. 1959))

SEC. 301. (a) The (1) operations and funds (including central funds) of nonappropriated fund and related activities authorized or operated by an executive agency to sell merchandise or services to military or other government personnel and their dependents, such as the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, Exchange Councils of the National Aeronautics and Space Administration, commissaries, clubs, and theaters, (2) systems of accounting and internal controls of such funds and activities, and (3) any internal or independent audits or reviews of such funds and activities shall, unless otherwise provided by law, be subject to review by the Comptroller General of the United States in accordance with such principles and procedures and under such rules and regulations as he may prescribe. The Comptroller General and his duly authorized representatives shall have access to those books, accounts, records, documents, reports, files, and other papers, things, or property relevant to funds and activities within this subsection as are deemed necessary by the Comptroller General.

(b) When required by the Comptroller General for such nonappropriated fund and related activities with gross receipts from sales of more than \$100,000 a year as he may designate by class, or upon specific request of the Comptroller General in any other case, each executive agency shall furnish promptly a copy of the annual report of any nonappropriated fund or related activity referred to in subsection (a). If such information is not included in any activity's annual report, such agency shall also furnish a statement showing the yearly financial operations, financial condition, and cash flow, and such other annual information relating to the activity as may be agreed upon by the Comptroller General and the head of the executive agency concerned.

SECTION II. EMPLOYEES

(1) Executive salaries

Section 303 of the Federal Executive Salary Act of 1964, Public Law 88-426, Title III, August 14, 1964 (78 Stat. 416), provided that the Administrator and Deputy Administrator and seven other designated offices and positions in NASA shall be compensated under the Federal Executive Salary Schedule. That schedule, as amended, sets forth the following levels of compensation (annual rates of compensation for each of these levels are not included because they change so often):

Level II: Administrator
 Level III: Deputy Administrator
 Level IV: Associate Deputy Administrator
 Level V: Associate Administrators (6)
 Assistant Administrators (3)
 Comptroller
 General Counsel
 Inspector General

(2) Employment and compensation of retired military officers

The Dual Compensation Act, Public Law 88-448, August 19, 1964, as revised and codified by Public Law 89-554, September 6, 1966 (80 Stat. 482) (5 U.S.C. 3326, 3501, 3502, 5531-5533, 6303), sets forth a uniform formula for the reduction of the retirement pay received by retired regular military officers during the period when they are employed in civilian offices or positions of the Government, as follows:

§ 5532. Employment of retired officers of the uniformed services; reduction in retired or retirement pay; exceptions.

(a) For the purpose of this section, "period for which he receives pay" means the full calendar period for which a retired officer of a regular component of a uniformed service receives the pay of a position when employed on a full-time basis, but only the days for which he actually receives that pay when employed on a part-time or intermittent basis.

(b) A retired officer of a regular component of a uniformed service who holds a position is entitled to receive the full pay of the position, but during the period for which he receives pay, his retired or retainer pay shall be reduced to an annual rate equal to the first \$2,000 of the retired or retainer pay plus one-half of the remainder, if any. In the operation of the formula for the reduction of retired or retainer pay under this subsection, the amount of \$2,000 shall be increased, from time to time, by appropriate percentage, in direct proportion to each increase in retired or retainer pay under section 1401a(b) of title 10 to reflect changes in the Consumer Price Index.

(c)(1) If any member or former member of a uniformed service is receiving retired or retainer pay and is employed in a position the annual rate of basic pay for which, when combined with the member's annual rate of retired or retainer pay (reduced as provided under subsection (b) of this section), exceeds the rate of basic pay then currently paid for level V of the Executive Schedule, such member's retired or retainer pay shall be reduced

by an amount computed under paragraph (2) of this subsection. The amounts of the reductions shall be deposited to the general fund of the Treasury of the United States.

(2) The amount of each reduction under paragraph (1) of this subsection allocable for any pay period in connection with employment in a position shall be equal to the retired or retainer pay allocable to the pay period (reduced as provided under subsection (b) of this section), except that the amount of the reduction may not result in—

(A) the amount of retired or retainer pay allocable to the pay period after being reduced, when combined with the basic pay for the employment during the pay period, being at a rate less than the rate of basic pay then currently paid for level V of the Executive Schedule; or

(B) the amount of retired pay or retainer pay being reduced to an amount less than the amount deducted from the retired or retainer pay as a result of participation in any survivor's benefits in connection with the retired or retainer pay or veterans insurance programs.

(d) The reduction in retired or retainer pay required by this section does not apply to a member or former member of a uniformed service who is receiving retired or retainer pay—

(1) whose retired or retainer pay is computed in whole or in part, based on disability—

(A) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(B) caused by an instrumentality of war and incurred in line of duty during a period of war as defined by sections 101 and 301 of title 38; or

(2) employed on a temporary (full-time or part-time) basis, any other part-time basis, or an intermittent basis, for the first 30-day period for which he receives pay.

The exemption from reduction in retired or retainer pay under paragraph (2) of this subsection does not apply longer than—

(i) the first 30-day period for which he receives pay under one appointment from the position in which he is employed, if he is serving under not more than one appointment; and

(ii) the first period for which he receives pay under more than one appointment, in a fiscal year, which consists in the aggregate of 30 days, from all positions in which he is employed, if he is serving under more than one appointment in that fiscal year.

The Office of Personnel Management is authorized to make some exceptions to sections 5532 (a), (b) and (c) regarding positions for medical officers. This authority expires in January, 1984. (5 U.S.C. 5532(e))³⁷

(3) Employment of specially qualified scientific and professional personnel

Title 5 of the United States Code, section 3104, as amended by the "Civil Service Reform Act of 1978," Public Law 95-454, October 13, 1978, sections 414(a)(2), (B), (C) and 801(a)(3)(C) (92 Stat. 1177, 1221) provides that the Director of the Office of Personnel Management may establish up to 517 scientific and professional positions outside the General Schedule for carrying out research and development (5 U.S.C. 3104(a)(1)). The Administrator of NASA must submit an annual report with respect to these positions (5 U.S.C. 3104(b)). The section reads as follows:

§ 3104. Employment of specially qualified scientific and professional personnel.

(a)(1) The Director of the Office of Personnel Management may establish, and from time to time revise, the maximum number of scientific or professional positions (not to exceed 517) for carrying out research and development functions which require the services of specially qualified personnel which may be established outside of the General Schedule. Any such position may be established only by action of the Director.

(2) The provisions of paragraph (1) of this subsection shall not apply to any Senior Executive Service position (as defined in section 3132(a) of this title).

(3) In addition to the number of positions authorized by paragraph (1) of this subsection, the Librarian of Congress may establish, without regard to the second sentence of paragraph (1) of this subsection, not more than 8 scientific or professional positions to carry out the research and development functions of the Library of Congress which require the services of specially qualified personnel.

(b) The head of each agency authorized to fix under section 5371 of this title the pay for positions established under this section shall submit to Congress not later than December 31 of each year (or in the case of the Administrator of the National Aeronautics and Space Administration not later

³⁷ The "Civil Service Reform Act of 1978", Public Law 95-454, Title III, sections 308 (a), (c), (e) and (f)(1), October 13, 1978 (92 Stat. 1149) redesignated subsection (d) of 5 U.S.C. 5532 as subsection (e), and amended that redesignated section to read as above. Formerly, under the original 5 U.S.C. 5532(d), the Administrator of NASA had authority to exempt up to 30 positions from the restrictions of 5 U.S.C. 5532(b).

than February 1 of each year), a report setting forth—

(1) the number of these positions established in his agency during that calendar year (or in the case of the National Aeronautics and Space Administration during the previous calendar year); and

(2) the name, rate of pay, and description of the qualifications of each incumbent, together with a statement of the functions performed by each.

When the head of such an agency considers full public report on these items detrimental to the national security, he may omit the items from his annual report and, instead, present the information in executive session of such committee of a House of Congress as the presiding officer thereof may designate.

NASA's former authority to fill 12 of these slots on its own was terminated by this law.

(4) Housing for employees

Section 809 of the National Housing Act, relating to mortgage insurance on owner-occupied property, was made applicable to NASA by Public Law 86-578, July 5, 1960 (74 Stat. 314), which added a new subsection (g) to the National Housing Act, providing mortgage insurance for certain NASA and AEC personnel (12 U.S.C. 1748 h-1 (g)). Pursuant to the "Housing and Community Development Act of 1977", Public Law 95-128, October 12, 1977, Title III, section 301(h), (91 Stat. 1131), no more mortgages were allowed to be insured after September 30, 1978 except pursuant to a commitment to insure before such date.

(5) Report requirements of NASA employees previously employed by aerospace contractors (42 U.S.C. 2462)

(a) As used in this section—

"(1) The term 'former employee' means any former officer or employee of the National Aeronautics and Space Administration, including consultants or part-time employees, whose salary rate at any time during the three-year period immediately preceding the termination of his last employment with the National Aeronautics and Space Administration was equal to or greater than the minimum salary rate at such time for positions in Grade GS-13.

"(2) The term 'aerospace contractor' means any individual, firm, corporation, partnership, association, or other legal entity, which provides services and materials to or for the National Aeronautics and Space Administration in connection with any aerospace system under a contract directly with the National Aeronautics and Space Administration.

"(3) The term 'services and materials' means either services or materials or services and materials which are provided as a part of or in connection with any aerospace system.

"(4) The term 'aerospace system' includes, but is not limited to, any rocket, launch vehicle, rocket engine, propellant, spacecraft, command module, service module, landing module, tracking device, communications device, or any part or component thereof, which is used in either manned or unmanned spaceflight operations.

"(5) The term 'contracts awarded' means contracts awarded by negotiation and includes the net amount of modifications to, and the exercise of options under, such contracts. It excludes all transactions amounting to less than \$10,000 each.

"(6) The term 'fiscal year' means a year beginning on 1 October and ending on 30 September of the next succeeding year.

"(b) Under regulations to be prescribed by the Administrator:

"(1) Any former employee who during any fiscal year,

"(A) was employed by or served as a consultant or otherwise to an aerospace contractor for any period of time.

"(B) represented any aerospace contractor at any hearing, trial, appeal, or other action in which the United States was a party and which involved services and materials provided or to be provided to the National Aeronautics and Space Administration by such contractor, or

"(C) represented any such contractor in any transaction with the National Aeronautics and Space Administration involving services or materials provided or to be provided by such contractor to the National Aeronautics and Space Administration,

shall file with the Administrator, in such form and manner as the Administrator may prescribe, not later than February 15 of the next succeeding fiscal year, a report containing the following information:

"(1) His name and address.

"(2) The name and address of the aerospace contractor by whom he was employed or whom he served as a consultant or otherwise.

"(3) The title of the position held by him with the aerospace contractor.

"(4) A brief description of his duties and the work performed by him for the aerospace contractor.

"(5) His gross salary rate while employed by the National Aeronautics and Space Administration.

"(6) A brief description of his duties and the work performed by him while employed by the National Aeronautics and Space Administration during the

three-year period immediately preceding his termination of employment.

"(7) The date of the termination of his employment with the National Aeronautics and Space Administration, and the date on which his employment, as an employee, consultant or otherwise, with the aerospace contractor began, and if no longer employed by such aerospace contractor, the date on which his employment with such aerospace contractor terminated.

"(8) Such other pertinent information as the Administrator may require.

"(2) Any employee of the National Aeronautics and Space Administration, including consultants or part-time employees, who was previously employed by or served as a consultant or otherwise to an aerospace contractor in any fiscal year, and whose salary rate in the National Aeronautics and Space Administration is equal to or greater than the minimum salary rate for positions in grade GS-13 shall file with the Administrator, in such form and manner and at such times as the Administrator may prescribe, a report containing the following information:

"(A) His name and address.

"(B) The title of his position with the National Aeronautics and Space Administration.

"(C) A brief description of his duties with the National Aeronautics and Space Administration.

"(D) The name and address of the aerospace contractor by whom he was employed or whom he served as a consultant or otherwise.

"(E) The title of his position with such aerospace contractor.

"(F) A brief description of his duties and the work performed by him for the aerospace contractor.

"(G) The date on which his employment as a consultant or otherwise with such contractor terminated and the date on which his employment as a consultant or otherwise with the National Aeronautics and Space Administration began thereafter.

"(H) Such other pertinent information as the Administrator may require.

"(c)(1) No former employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to an aerospace contractor if the total amount of contracts awarded by the National Aeronautics and Space Administration to such contractor during such year was less than \$10,000,000; and no employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any fiscal year in which he was employed by or served as a consultant or otherwise to an aerospace contractor if the total amount of contracts awarded to such contractor by

the National Aeronautics and Space Administration during such year was less than \$10,000,000.

"(2) No former National Aeronautics and Space Administration employee shall be required to file a report under this section for any fiscal year on account of employment with the National Aeronautics and Space Administration if such employment was terminated three years or more prior to the beginning of such fiscal year; and no employee of the National Aeronautics and Space Administration shall be required to file a report under this section for any fiscal year on account of employment with or services performed for an aerospace contractor if such employment was terminated or such services were performed three years or more prior to the beginning of such fiscal year.

"(3) No former employee shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to an aerospace contractor at a salary rate of less than \$15,000 per year; and no employee of the National Aeronautics and Space Administration, including consultants or part-time employees, shall be required to file a report under this section for any fiscal year during which he was employed by or served as a consultant or otherwise to an aerospace contractor at a salary rate of less than \$15,000 per year.

"(d)" [repealed]³⁸

"(e) Any former employee of the National Aeronautics and Space Administration whose employment with or services for an aerospace contractor terminated during any fiscal year shall be required to file a report pursuant to subsection (b)(1) of this section for such year if he would otherwise be required to file under such subsection; and any person whose employment with or services for the National Aeronautics and Space Administration terminated during any fiscal year shall be required to file a report pursuant to subsection (b)(2) of this section for such year if he would otherwise be required to file under such subsection.

"(f) The Administrator shall maintain a file containing the information filed with him pursuant to subsections (b)(1) and (b)(2) of this section and such file shall be open for public inspection at all times during the regular workday.

"(g) Any person who fails to comply with the filing requirements of this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by not more than six months in prison or a fine of not more than \$1,000, or both.

³⁸ Subsection (d) of 42 U.S.C. 2462 was repealed by the "Congressional Reports Elimination Act of 1980," Public Law 96-470, Oct. 19, 1980, section 18, (94 Stat. 2240). This subsection had required the Administrator to submit an annual report to Congress including the names of reporting employees and other information deemed appropriate by the Administrator.

"(h) No person shall be required to file a report pursuant to this section for any year prior to the fiscal year 1971."

(6) Section 203(c)(2) and reports to Congress on positions established thereunder (repealed)

Section 206(b) of the Public Law 87-367 (75 Stat. 791) 42 U.S.C. 2473a, required the Administrator to submit to the Congress at the close of each fiscal year pertinent information concerning the individuals obtained to fill the positions established under section 203(c)(2) of the Space Act. Public Law 96-470, October 19, 1980, section 118(b), (94 Stat. 2241) repealed this section.

SECTION III. PROCUREMENT

(1) General procurement statutes applicable to NASA

The procurement provisions of chapter 137, title 10, United States Code (formerly the Armed Services Procurement Act), were made applicable to NASA by section 301(b) of the National Aeronautics and Space Act of 1958, *supra*.

Public Law 85-804, August 28, 1958 (72 Stat. 972), codified at 50 U.S.C. 1431-1435, authorizes various contractual actions and is made applicable to NASA by Executive Order 10789, 23 Federal Register 8897 (1958), as amended by Executive Order 11051, 27 Federal Register 9683 (1962); Executive Order 11382, 32 Federal Register 16247 (1967); Executive Order 11610, 36 Federal Register 13755 (1971); and Executive Order 12148, 44 Federal Register 43239.

(2) Contract Disputes Act

The Contract Disputes Act of 1978, Public Law 95-563, Nov. 1, 1978 (92 Stat. 2383) as amended by Public Law 97-164, April 2, 1982 (98 Stat. 47), follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Contract Disputes Act of 1978."

Contract
Disputes Act of
1978.
41 USC 601
note.

DEFINITIONS

41 USC 601.

SEC. 2. As used in this Act—

(1) the term "agency head" means the head and any assistant head of an executive agency, and may "upon the designation by" the head of an executive agency include the chief official of any principal division of the agency;

(2) the term "executive agency" means an executive department as defined in section 101 of title 5, United States Code, an independent establishment as defined by section 104 of title 5, United States Code (except that it shall not include the General

Accounting Office), a military department as defined by section 102 of title 5, United States Code, and a wholly owned Government corporation as defined by section 846 of title 31, United States Code, the United States Postal Service, and the Postal Rate Commission;

(3) the term "contracting officer" means any person who, by appointment in accordance with applicable regulations, has the authority to enter into and administer contracts and make determinations and findings with respect thereto. The term also includes the authorized representative of the contracting officer, acting within the limits of his authority;

(4) the term "contractor" means a party to a Government contract other than the Government;

(5) The term "Administrator" means the Administrator for Federal Procurement Policy appointed pursuant to the Office of Federal Procurement Policy Act;

(6) the term "agency board" means an agency board of contract appeals established under section 8 of this Act; and

(7) the term "misrepresentation of fact" means a false statement of substantive fact, or any conduct which leads to a belief of a substantive fact material to proper understanding of the matter in hand, made with intent to deceive or mislead.

APPLICABILITY OF LAW

SEC. 3. (a) Unless otherwise specifically provided herein, this Act applies to any express or implied contract (including those of the nonappropriated fund activities described in sections 1346 and 1491 of title 28, United States Code) entered into by an executive agency for— 41 USC 602.

(1) the procurement of property, other than real property in being;

(2) the procurement of services;

(3) the procurement of construction, alteration, repair or maintenance of real property; or,

(4) the disposal of personal property.

(b) With respect to contracts of the Tennessee Valley Authority, the provisions of this Act shall apply only to those contracts which contain a disputes clause requiring that a contract dispute be resolved through an agency administrative process. Notwithstanding any other provision of this Act, contracts of the Tennessee Valley Authority for the sale of fertilizer or electric power or related to the conduct or operation of the electric power system shall be excluded from the Act.

Tennessee
Valley
Authority
contracts.

(c) This Act does not apply to a contract with a foreign government, or agency thereof, or international or-

ganization, or subsidiary body thereof, if the head of the agency determines that the application of the Act to the contract would not be in the public interest.

MARITIME CONTRACTS

41 USC 603.

SEC. 4. Appeals under paragraph (g) of section 8 and suits under section 10, arising out of maritime contracts, shall be governed by the Act of March 9, 1920, as amended (41 Stat. 525, as amended; 46 U.S.C. 741-752) or the Act of March 3, 1925, as amended (43 Stat. 1112, as amended; 46 U.S.C. 781-790) as applicable, to the extent that those Acts are not inconsistent with this Act.

FRAUDULENT CLAIMS

41 USC 604.

SEC. 5. If a contractor is unable to support any part of his claim and it is determined that such inability is attributable to misrepresentation of fact or fraud on the part of the contractor, he shall be liable to the Government for an amount equal to such unsupported part of the claim in addition to all costs to the Government attributable to the cost of reviewing said part of his claim. Liability under this subsection shall be determined within six years of the commission of such misrepresentation of fact or fraud.

DECISION BY THE CONTRACTING OFFICER

Contractor
claims.
41 USC 605.

Information to
contractor.

SEC. 6. (a) All claims by a contractor against the government relating to a contract shall be in writing and shall be submitted to the contracting officer for a decision. All claims by the government against a contractor relating to a contract shall be the subject of a decision by the contracting officer. The contracting officer shall issue his decisions in writing, and shall mail or otherwise furnish a copy of the decision to the contractor. The decision shall state the reasons for the decision reached, and shall inform the contractor of his rights as provided in this Act. Specific findings of fact are not required, but, if made, shall not be binding in any subsequent proceeding. The authority of this subsection shall not extend to a claim or dispute for penalties or forfeitures prescribed by statute or regulation which another Federal agency is specifically authorized to administer, settle, or determine. This section shall not authorize any agency head to settle, compromise, pay, or otherwise adjust any claim involving fraud.

(b) The contracting officer's decision on the claim shall be final and conclusive and not subject to review by any forum, tribunal, or Government agency, unless an appeal or suit is timely commenced as authorized by this Act. Nothing in this Act shall prohibit executive agencies from including a clause in government con-

tracts requiring that pending final decision of an appeal, action, or final settlement, a contractor shall proceed diligently with performance of the contract in accordance with the contracting officer's decision.

(c)(1) A contracting officer shall issue a decision on any submitted claim of \$50,000 or less within sixty days from his receipt of a written request from the contractor that a decision be rendered within that period. For claims of more than \$50,000, the contractor shall certify that the claim is made in good faith, that the supporting data are accurate and complete to the best of his knowledge and belief, and that the amount requested accurately reflects the contract adjustment for which the contractor believes the government is liable.

Certification.

(2) A contracting officer shall, within sixty days of receipt of a submitted certified claim over \$50,000—

(A) issue a decision; or

(B) notify the contractor of the time within which a decision will be issued.

Notification.

(3) The decision of a contracting officer on submitted claims shall be issued within a reasonable time, in accordance with regulations promulgated by the agency, taking into account such factors as the size and complexity of the claim and the adequacy of the information in support of the claim provided by the contractor.

(4) A contractor may request the agency board of contract appeals to direct a contracting officer to issue a decision in a specified period of time, as determined by the board, in the event of undue delay on the part of the contracting officer.

(5) Any failure by the contracting officer to issue a decision on a contract claim within the period required will be deemed to be a decision by the contracting officer denying the claim and will authorize the commencement of the appeal or suit on the claim as otherwise provided in this Act. However, in the event an appeal or suit is so commenced in the absence of a prior decision by the contracting officer, the tribunal concerned may, at its option, stay the proceedings to obtain a decision on the claim by the contracting officer.

CONTRACTOR'S RIGHT OF APPEAL TO BOARD OF CONTRACT APPEALS

SEC. 7. Within ninety days from the date of receipt of a contracting officer's decision under section 6, the contractor may appeal such decision to an agency board of contract appeals, as provided in section 8. 41 USC 606.

AGENCY BOARDS OF CONTRACT APPEALS

SEC. 8. (a)(1) Except as provided in paragraph (2) an agency board of contract appeals may be established within an executive agency when the agency head, after consultation with the Administrator, determines Establishment, consultations. 41 USC 607.

from a workload study that the volume of contract claims justifies the establishment of a full-time agency board of at least three members who shall have no other inconsistent duties. Workload studies will be updated at least once every three years and submitted to the Administrator.

Membership.

(2) The Board of Directors of the Tennessee Valley Authority may establish a board of contract appeals for the Authority of an indeterminate number of members.

(b)(1) Except as provided in paragraph (2), the members of agency boards shall be selected and appointed to serve in the same manner as hearing examiners appointed pursuant to section 3105 of title 5 of the United States Code, with an additional requirement that such members shall have had not fewer than five years' experience in public contract law. Full-time members of agency boards serving as such on the effective date of this Act shall be considered qualified. The chairman and vice chairman of each board shall be designated by the agency head from members so appointed. The chairman of each agency board shall receive compensation at a rate equal to that paid a GS-18 under the General Schedule contained in section 5332, United States Code, the vice chairman shall receive compensation at a rate equal to that paid a GS-17 under such General Schedule, and all other members shall receive compensation at a rate equal to that paid a GS-16 under such General Schedule. Such positions shall be in addition to the number of positions which may be placed in GS-16, GS-17, and GS-18 of such General Schedule under existing law.

5 USC 5332
note.

Appointment
criteria and
chairman.
Compensation.

(2) The Board of Directors of the Tennessee Valley Authority shall establish criteria for the appointment of members to its agency board of contract appeals established in subsection (a)(2), and shall designate a chairman of such board. The chairman of such board shall receive compensation at a rate equal to the daily rate paid a GS-18 under the General Schedule contained in section 5332, United States Code for each day he is engaged in the actual performance of his duties as a member of such board. All other members of such board shall receive compensation at a rate equal to the daily rate paid a GS-16 under such General Schedule for each day they are engaged in the actual performance of their duties as members of such board.

Appeals,
arrangements.

(c) If the volume of contract claims is not sufficient to justify an agency board under subsection (a) or if he otherwise considers it appropriate, any agency head shall arrange for appeals from decisions by contracting officers of his agency to be decided by a board of contract appeals of another executive agency. In the event an agency head is unable to make such an arrangement with another agency, he shall submit the case to the Administrator for placement with an agency board. The

provisions of this subsection shall not apply to the Tennessee Valley Authority.

(d) Each agency board shall have jurisdiction to decide any appeal from a decision of a contracting officer (1) relative to a contract made by its agency and (2) relative to a contract made by any other agency when such agency or the Administrator has designated the agency board to decide the appeal. In exercising this jurisdiction, the agency board is authorized to grant any relief that would be available to a litigant, asserting a contract claim in the United States Claims Court. Jurisdiction.

(e) An agency board shall provide to the fullest extent practicable, informal, expeditious, and inexpensive resolution of disputes, and shall issue a decision in writing or take other appropriate action on each appeal submitted, and shall mail or otherwise furnish a copy of the decision to the contractor and the contracting officer.

(f) The rules of each agency board shall include a procedure for the accelerated disposition of any appeal from a decision of a contracting officer where the amount in dispute is \$50,000 or less. The accelerated procedure shall be applicable at the sole election of only the contractor. Appeals under the accelerated procedure shall be resolved, whenever possible, within one hundred and eighty days from the date the contractor elects to utilize such procedure. Appeal
disposition
acceleration.

(g)(1) The decision of an agency board of contract appeals shall be final, except that— Judicial review.

(A) a contractor may appeal such a decision to the United States Court of Appeals for the Federal Circuit within one hundred twenty days after the date of receipt of a copy of such decision, or

(B) the agency head, if he determines that an appeal should be taken, and with the prior approval of the Attorney General, transmits the decision of the board of contract appeals to the Court of Appeals for the Federal Circuit for judicial review under section 1295 of title 28, United States Code, as amended herein, within one hundred and twenty days from the date of the agency's receipt of a copy of the board's decision.

(2) Notwithstanding the provisions of paragraph (1), the decision of the board of contract appeals of the Tennessee Valley Authority shall be final, except that—

(A) a contractor may appeal such a decision to a United States district court pursuant to the provisions of section 1337 of title 28, United States Code within one hundred twenty days after the date of receipt of a copy of such decision, or

(B) the Tennessee Valley Authority may appeal the decision to a United States district court pursuant to the provisions of section 1337 of title 28, United States Code, within one hundred twenty days after the date of the decision in any case.

Guidelines. 41
USC 401 note.

(h) Pursuant to the authority conferred under the Office of Federal Procurement Policy Act, the Administrator is authorized and directed, as may be necessary or desirable to carry out the provisions of this Act, to issue guidelines with respect to criteria for the establishment, functions, and procedures of the agency boards (except for a board established by the Tennessee Valley Authority).

Workload
studies.

(i) Within one hundred and twenty days from the date of enactment of this Act, all agency boards except that of the Tennessee Valley Authority, of three or more full time members shall develop workload studies for approval by the agency head as specified in section 8(a)(1).

SMALL CLAIMS

Procedure rules,
provisions. 41
USC 608.

SEC. 9. (a) the rules of each agency board shall include a procedure for the expedited disposition of any appeal from a decision of a contracting officer where the amount in dispute is \$10,000 or less. The small claims procedure shall be applicable at the sole election of the contractor.

(b) The small claims procedure shall provide for simplified rules of procedure to facilitate the decision of any appeal thereunder. Such appeals may be decided by a single member of the agency board with such concurrences as may be provided by rule or regulation.

(c) Appeals under the small claims procedure shall be resolved, whenever possible, within one hundred twenty days from the date on which the contractor elects to utilize such procedure.

(d) A decision against the Government or the contractor reached under the small claims procedure shall be final and conclusive and shall not be set aside except in cases of fraud.

(e) Administrative determinations and final decisions under this section shall have no value as precedent for future cases under this Act.

Review of dollar
amount.

(f) The Administrator is authorized to review at least every three years, beginning with the third year after the enactment of the Act, the dollar amount defined in section 9(a) as a small claim, and based upon economic indexes selected by the Administrator adjust that level accordingly.

ACTIONS IN COURT: JUDICIAL REVIEW OF BOARD DECISIONS

41 USC 609.

SEC. 10. (a)(1) Except as provided in paragraph (2), and in lieu of appealing the decision of the contracting officer under section 6 to an agency board, a contractor may bring an action directly on the claim in the United States Claims Court, notwithstanding any contract provision, regulation, or rule of law to the contrary.

(2) In the case of an action against the Tennessee Valley Authority, the contractor may only bring an action directly on the claim in a United States district court pursuant to section 1337 of title 28, United States Code, notwithstanding any contract provision, regulation, or rule of law to the contrary.

(3) Any action under paragraph (1) or (2) shall be filed within twelve months from the date of the receipt by the contractor of the decision of the contracting officer concerning the claim, and shall proceed de novo in accordance with the rules of the appropriate court.

(b) In the event of an appeal by a contractor or the Government from a decision of any agency board pursuant to section 8, notwithstanding any contract provision, regulation, or rules of law to the contrary, the decision of the agency board on any question of law shall not be final or conclusive, but the decision on any question of fact shall be final and conclusive and shall not be set aside unless the decision is fraudulent, or arbitrary, or capricious, or so grossly erroneous as to necessarily imply bad faith, or if such decision is not supported by substantial evidence.

(c) In any appeal by a contractor or the Government from a decision of an agency board pursuant to section 8, the court may render an opinion and judgment and remand the case for further action by the agency board or by the executive agency as appropriate, with such direction as the court considers just and proper.

(d) If two or more suits arising from one contract are filed in the United States Claims Court and one or more agency boards, for the convenience of parties or witnesses or in the interest of justice, the United States Claims Court may order the consolidation of such suits in that court or transfer any suits to or among the agency boards involved.

(e) In any suit filed pursuant to this Act involving two or more claims, counterclaims, cross-claims, or third-party claims, and where a portion of one such claim can be divided for purposes of decision or judgment, and in any such suit where multiple parties are involved, the court, whenever such action is appropriate, may enter a judgment as to one or more but fewer than all of the claims, portions thereof, or parties.

SUBPOENA, DISCOVERY, AND DEPOSITION

SEC. 11. A member of an agency board of contract appeals may administer oaths to witnesses, authorize depositions and discovery proceedings, and require by subpoena the attendance of witnesses, and production of books and papers, for the taking of testimony or evidence by deposition or in the hearing of an appeal by the agency board. In case of contumacy or refusal to obey a subpoena by a person who resides, is found, or

41 USC 610.

transacts business within the jurisdiction of a United States district court, the court, upon application of the agency board through the Attorney General, or upon application by the board of contract appeals of the Tennessee Valley Authority, shall have jurisdiction to issue the person an order requiring him to appear before the agency board or a member thereof, to produce evidence or to give testimony, or both. Any failure of any such person to obey the order of the court may be punished by the court as a contempt thereof.

INTEREST

41 USC 611.

SEC. 12. Interest on amounts found due contractors on claims shall be paid to the contractor from the date the contracting officer receives the claim pursuant to section 6(a) from the contractor until payment thereof. The interest provided for in this section shall be paid at the rate established by the Secretary of the Treasury pursuant to Public Law 92-41 (85 Stat. 97) for the Renegotiation Board.

APPROPRIATIONS

41 USC 612.

SEC. 13. (a) Any judgment against the United States on a claim under this Act shall be paid promptly in accordance with the procedures provided by section 1302 of the Act of July 27, 1956, (70 Stat. 694 as amended; 31 U.S.C. 724a).

(b) Any monetary award to a contractor by an agency board of contract appeals shall be paid promptly in accordance with the procedures contained in subsection (a) above.

(c) Payments made pursuant to subsections (a) and (b) shall be reimbursed to the fund provided by section 1302 of the Act of July 27, 1956 (70 Stat. 694, as amended; 31 U.S.C. 724a) by the Agency whose appropriations were used for the contract out of available funds or by obtaining additional appropriations for such purposes.

(d)(1) Notwithstanding the provisions of subsection (a) through (c), any judgment against the Tennessee Valley Authority on a claim under this Act shall be paid promptly in accordance with the provisions of section 9(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831(h)).

(2) Notwithstanding the provisions of subsection (a) through (c), any monetary award to a contractor by the board of contract appeals for the Tennessee Valley Authority shall be paid in accordance with the provisions of section 9(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831(h)).

AMENDMENTS AND REPEALS

SEC. 14. (a) The first sentence of section 1346(a)(2) of title 28, United States Code, is amended by inserting before the period a comma and the following: "except that the district courts shall not have jurisdiction of any civil action or claim against the United States founded upon any express or implied contract with the United State or for liquidated or unliquidated damages in cases not sounding in tort which are subject to sections 8(g)(1) and 10(a)(1) of the Contract Disputes Act of 1978".

Ante, p. 2383.

(b) Section 2401(a) of title 28, United States Code, is amended by striking out "Every" at the beginning and inserting in lieu thereof "Except as provided by the Contract Disputes Act of 1978, every".

(c) Section 1302 of the Act of July 27, 1956, as amended (70 Stat. 694, as amended; 31 U.S.C. 724a), is amended by adding after "2677 of title 28" the words "and decisions of boards of contract appeals".

(d) Section 2414 of title 28, United States Code, is amended by striking out "Payment" at the beginning and inserting in lieu thereof "Except as provided by the Contract Disputes Act of 1978, payment".

(e) Section 2517(a) of title 28, United States Code, is amended by striking out "Every" at the beginning and inserting in lieu thereof "Except as provided by the Contract Disputes Act of 1978, every".

(f) Section 2517(b) of title 28, United States Code, is amended by inserting after "case or controversy" the following: ", unless the judgment is designated a partial judgment, in which event only the matters described therein shall be discharged.".

(g) There shall be added to subsection (c) of section 5108 of title 5, United States Code, a paragraph (17) reading as follows:

"(17) the heads of executive departments or agencies in which boards of contract appeals are established pursuant to the Contract Disputes Act of 1978, and subject to the standards and procedures prescribed by this chapter, but without regard to subsection (d) of this section, may place additional positions, not to exceed seventy in number in GS-16, GS-17, and GS-18 for the independent quasi-judicial determination of contract disputes, with the allocation of such positions among such executive departments and agencies determined by the Administrator for Federal Procurement Policy on the basis of relative case load."

5 USC 5332
note.

(h)(1) Section 2510 of title 28, United States Code, is amended by—

Cases, referral.

(A) inserting "(a)" immediately before such section; and

(B) adding the following new subsection at the end thereof:

“(b)(1) The head of any executive department or agency may, with the prior approval of the Attorney General, refer to the United States Claims Court for judicial review any final decision rendered by a board of contract appeals pursuant to the terms of any contract with the United States awarded by that department or agency which such head of such department or agency has concluded is not entitled to finality pursuant to the review standards specified in section 10(b) of the Contracts Disputes Act of 1978. The head of each executive department or agency shall make any referral under this section within one hundred and twenty days of the receipt of a copy of the final appeal decision.

“(2) The United States Claims Court shall review the matter referred in accordance with the standards specified in section 10(b) of the Contracts Disputes Act of 1978. The Court shall proceed with judicial review on the administrative record made before the board of contract appeals on matters so referred as in other cases pending in such court, shall determine the issue of finality of the appeal decision, and shall, as appropriate, render judgment thereon, take additional evidence or remand the matter pursuant to the authority specified in section 1491 of this title.”

28 USC 1491.

(2)(A) The section heading of such section is amended to read as follows:

“§ 2510. Referral of cases by the Comptroller General or the head of an executive department or agency.”

(B) The item relating to section 2510 in the table of sections for chapter 165 of title 28, United States Code, is amended to read as follows:

“2510. Referral of cases by the Comptroller General or the head of an executive department or agency.”

Jurisdiction.

(i) Section 1491 of title 28, United States Code, is amended by adding the following sentence at the end of the first paragraph thereof: “The United States Claims Court shall have jurisdiction to render judgment upon any claim by or against, or dispute with, a contractor arising under the Contract Disputes Act of 1978.”

SEVERABILITY CLAUSE

41 USC 613.

SEC. 15. If any provision of this Act, or the application of such provision to any persons or circumstances, is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

EFFECTIVE DATE OF ACT

SEC. 16. This Act shall apply to contracts entered into one hundred twenty days after the date of enactment. Notwithstanding any provision in a contract made before the effective date of this Act, the contractor may elect to proceed under this Act with respect to any claim pending then before the contracting officer or initiated thereafter.

41 USC 601
note.

(3) Grants and Cooperative Agreements

Agencies were specifically authorized by Public Law 85-934 (September 6, 1958, 72 Stat. 1793, 42 U.S.C. 1891-1982) to enter into grants for the support of basic scientific research. That Act was repealed, effective February 3, 1979, by the "Federal Grant and Cooperative Agreement Act of 1977", Public Law 95-224, February 3, 1978 (92 Stat. 3) which was itself replaced by chapter 63 of the codification of Title 31.³⁹ The chapter follows:

CHAPTER 63—USING PROCUREMENT CONTRACTS AND GRANT AND COOPERATIVE AGREEMENTS

31 USC 6301-8.

Sec.

- 6301. Purposes.
- 6302. Definitions.
- 6303. Using procurement contracts.
- 6304. Using grant agreements.
- 6305. Using cooperative agreements.
- 6306. Authority to vest title in tangible personal property for research.
- 6307. Interpretative guidelines and exemptions.
- 6308. Use of multiple relationships for different parts of jointly financed projects.

§ 6301. Purposes.

The purposes of this chapter are to—

- (1) promote a better understanding of United States Government expenditures and help eliminate unnecessary administrative requirements on recipients of Government awards by characterizing the relationship between executive agencies and contractors, States, local governments, and other recipients in acquiring property and services and in providing United States Government assistance;
- (2) prescribe criteria for executive agencies in selecting appropriate legal instruments to achieve—
 - (A) uniformity in their use by executive agencies;
 - (B) a clear definition of the relationships they reflect; and

³⁹ The codification of Title 31 was done by Public Law 97-258, September 13, 1982. Chapter 63 is found at 96 Stat. 1003-1005. The repeal of Public Law 95-224 is found at 96 Stat. 1083.

(C) a better understanding of the responsibilities of the parties to them; and

(3) promote increased discipline in selecting and using procurement contracts, grant agreements, and cooperative agreements, maximize competition in making procurement contracts, and encourage competition in making grants and cooperative agreements.

§ 6302. Definitions.

In this chapter—

(1) “executive agency” does not include a mixed-ownership Government corporation.

(2) “grant agreement” and “cooperative agreement” do not include an agreement under which is provided only—

(A) direct United States Government cash assistance to an individual;

(B) a subsidy;

(C) a loan;

(D) a loan guarantee; or

(E) insurance.

(3) “local government” means a unit of government in a State, a local public authority, a special district, an intrastate district, a council of governments, a sponsor group representative organization, an interstate entity, or another instrumentality of a local government.

(4) “other recipient” means a person or recipient (except a State or local government) authorized to receive United States Government assistance or procurement contracts and includes a charitable or educational institution.

(5) “State” means a State of the United States, the District of Columbia, a territory or possession of the United States, an agency or instrumentality of a State, and a multi-State, regional, or interstate entity having governmental duties and powers.

§ 6303. Using procurement contracts.

An executive agency shall use a procurement contract as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when—

(1) the principal purpose of the instrument is to acquire (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; or

(2) the agency decides in a specific instance that the use of a procurement contract is appropriate.

§ 6304. Using grant agreements.

An executive agency shall use a grant agreement as the legal instrument reflecting a relationship between

the United States Government and a State, a local government, or other recipient when—

(1) the principal purpose of the relationship is to transfer a thing of value to the State or local government or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; and

(2) substantial involvement is not expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.

§ 6305. Using cooperative agreements.

An executive agency shall use a cooperative agreement as the legal instrument reflecting a relationship between the United States Government and a State, a local government, or other recipient when—

(1) the principal purpose of the relationship is to transfer a thing of value to the State, local government, or other recipient to carry out a public purpose of support or stimulation authorized by a law of the United States instead of acquiring (by purchase, lease, or barter) property or services for the direct benefit or use of the United States Government; and

(2) substantial involvement is expected between the executive agency and the State, local government, or other recipient when carrying out the activity contemplated in the agreement.

§ 6306. Authority to vest title in tangible personal property for research.

The head of an executive agency may vest title in tangible personal property in a nonprofit institution of higher education or in a nonprofit organization whose primary purpose is conducting scientific research—

(1) when the property is bought with amounts provided under a procurement contract, grant agreement, or cooperative agreement with the institution or organization to conduct basic or applied scientific research;

(2) when the head of the agency decides the vesting furthers the objectives of the agency;

(3) without further obligation to the United States Government; and

(4) under conditions the head of the agency considers appropriate.

§ 6307. Interpretative guidelines and exemptions.

The Director of the Office of Management and Budget may—

(1) issue supplementary interpretative guidelines to promote consistent and efficient use of procurement contracts, grant agreements, and cooperative agreements; and

(2) exempt a transaction or program of an executive agency from this chapter.

§ 6308. Use of multiple relationships for different parts of jointly financed projects.

This chapter does not require an executive agency to establish only one relationship between the United States Government and a State, a local government, or other recipient on a jointly financed project involving amounts from more than one program or appropriation when different relationships would otherwise be appropriate for different parts of the project.

(4) Construction or lease of contractor-funded facility

The fiscal year 1984 HUD-Independent Agencies Appropriation Act, Public Law 98-45, July 12, 1983 (97 Stat. 219) included the following language requiring mention in an appropriation Act of the construction or lease of a contractor-funded facility which NASA would substantially amortize:

42 USC 2465.

Provided further, That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriation Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further*, That the Administrator may authorize such facility lease or construction, with the approval of the Committees on Appropriations if he determines that deferral of such action until the enactment of the next appropriation Act would be inconsistent with the interest of the Nation in aeronautical and space activities.⁴⁰

SECTION IV. ADMINISTRATIVE CLAIMS AND LITIGATION

(1) United States as defendant (28 U.S.C. 1346)

§ 1346. United States as defendant.

(a) The district courts shall have original jurisdiction, concurrent with the United States Claims Court:⁴¹

⁴⁰ The last sentence is void under the Supreme Court's legislative veto decision, *Immigration and Naturalization Service v. Chadha*, — U.S. —, 103 S.Ct. 2764 (1983), 51 USLW 4907.

⁴¹ As amended by the "Federal Courts Improvement Act of 1982," Public Law 97-164, April 2, 1982, section 129 (96 Stat. 39).

(1) Any civil action against the United States for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or any penalty claimed to have been collected without authority or any sum alleged to have been excessive or in any manner wrongfully collected under the internal-revenue laws;

(2) Any other civil action or claim against the United States, not exceeding \$10,000 in amount, founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort, except that the district courts shall not have any jurisdiction of any civil action or claim against the United States founded upon any express or implied contract with the United States or for liquidated or unliquidated damages in cases not sounding in tort which are subject to sections (8)(g)(1) and 10(a)(1) of the Contracts Disputes Act of 1978 [41 U.S.C. sections 607(g)(1) and 609(a)(1)].⁴² For the purpose of this paragraph, an express or implied contract with the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration shall be considered an express or implied contract with the United States.

(b) Subject to the provisions of chapter 171 of this title, the district courts, together with the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands, shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, accruing on and after January 1, 1945, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(c) The jurisdiction conferred by this section includes jurisdiction of any set-off, counterclaim, or other claim or demand whatever on the part of the United States against any plaintiff commencing an action under this section.

(d) The district courts shall not have jurisdiction under this section of any civil action or claim for a pension.

(e) The district courts shall have original jurisdiction of any civil action against the United States provided in section 7426 or section 7428 (in the case of the United

⁴² As amended by section 14(a) of the "Contract Disputes Act of 1978", Public Law 95-563, November 1, 1978 (92 Stat. 2389).

States district court for the District of Columbia) or section 7429 of the Internal Revenue Code of 1954.

(f) The district courts shall have exclusive original jurisdiction of civil actions under section 2409a to quiet title to an estate or interest in real property in which an interest is claimed by the United States.

*(2) Jurisdiction of the United States Claims Court (28 U.S.C. 1491)*⁴³

§ 1491. Claims against United States generally; actions involving Tennessee Valley Authority.

(a)(1) The United States Claims Court shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort. For the purpose of this paragraph, an express or implied contract with the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration shall be considered an express or implied contract with the United States.

(2) To provide an entire remedy and to complete the relief afforded by the judgment, the court may, as an incident of and collateral to any such judgment, issue orders directing restoration to office or position, placement in appropriate duty or retirement status, and correction of applicable records, and such orders may be issued to any appropriate official of the United States. In any case within its jurisdiction, the court shall have the power to remand appropriate matters to any administrative or executive body or official with such direction as it may deem proper and just. The Claims Court shall have jurisdiction to render judgment upon any claim by or against, or dispute with, a contractor arising under section 10(a)(1) of the Contract Disputes Act of 1978.

(3) To afford complete relief on any contract claim brought before the contract is awarded, the court shall have exclusive jurisdiction to grant declaratory judgments and such equitable and extraordinary relief as it deems proper, including but not limited to injunctive

⁴³ The "Federal Courts Improvement Act of 1982", Public Law 97-164, April 2, 1982, section 133(a), (96 Stat. 39), amended 28 U.S.C. 1491 by organizing it into subsections and adding the reference to contractual relief in subsection (a)(3).

28 U.S.C. 1491 had earlier been amended by the "Contract Disputes Act of 1978", Public Law 95-563, November 1, 1978, section 14(i), (92 Stat. 2391) to include the specific reference in subsection (a)(2) to the Contract Disputes Act of 1978, and by Public Law 96-417, October 10, 1980, section 509 (94 Stat. 1743) to include the specific reference to the Court of International Trade in subsection (b).

relief. In exercising this jurisdiction, the court shall give due regard to the interests of national defense and national security.

(b) Nothing herein shall be construed to give the United States Claims Court jurisdiction of any civil action within the exclusive jurisdiction of the Court of International Trade, or of any action against, or founded on conduct of, the Tennessee Valley Authority, or to amend or modify the provisions of the Tennessee Valley Authority Act of 1933 with respect to actions by or against the Authority.

(3) Federal Tort Claims Act (28 U.S.C. 2671-2680)

CHAPTER 171—TORT CLAIMS PROCEDURE

Sec.

2671. Definitions.

2672. Administrative adjustment of claims.

[2673. Repealed.]

2674. Liability of United States.

2675. Disposition by federal agency as prerequisite; evidence.

2676. Judgment as bar.

2677. Compromise.

2678. Attorney fees; penalty.

2679. Exclusiveness of remedy.

2680. Exceptions.

§ 2671. Definitions.

As used in this chapter and sections 1346(b) and 2401(b) of this title, the term—

“Federal agency” includes the executive departments, the military departments, independent establishments of the United States, and corporations primarily acting as instrumentalities or agencies of the United States, but does not include any contractor with the United States.

“Employee of the government” includes officers or employees of any federal agency, members of the military or naval forces of the United States, members of the National Guard while engaged in training or duty under sections 316, 502, 503, 504, or 505 of title 32, and persons acting on behalf of a federal agency in an official capacity, temporarily or permanently in the service of the United States, whether with or without compensation.

“Acting within the scope of his office or employment”, in the case of a member of the military or naval forces of the United States or a member of the National Guard as defined in section 101(3) of title 32, means acting in line of duty.

(As amended May 24, 1949, c. 139, § 124, 63 Stat. 106; July 18, 1966, P.L. 89-506, § 8, 80 Stat. 307; Dec. 29, 1981, P.L. 97-124, § 1, 95 Stat. 1666.)

§ 2672. Administrative adjustment of claims.

The head of each Federal agency or his designee, in accordance with regulations prescribed by the Attorney General, may consider, ascertain, adjust, determine, compromise, and settle any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the agency while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred: *Provided*, That any award, compromise, or settlement in excess of \$25,000 shall be effected only with the prior written approval of the Attorney General or his designee.

Subject to the provisions of this title relating to civil actions on tort claims against the United States, any such award, compromise, settlement, or determination shall be final and conclusive on all officers of the Government, except when procured by means of fraud.

Any award, compromise, or settlement in an amount of \$2,500 or less made pursuant to this section shall be paid by the head of the Federal agency concerned out of appropriations available to that agency. Payment of any award, compromise, or settlement in an amount in excess of \$2,500 made pursuant to this section or made by the Attorney General in any amount pursuant to section 2677 of this title shall be paid in a manner similar to judgments and compromises in like causes and appropriations of funds available for the payment of such judgments and compromises are hereby made available for the payment of awards, compromises, or settlements under this chapter.

The acceptance by the claimant of any such award, compromise, or settlement shall be final and conclusive on the claimant, and shall constitute a complete release of any claim against the United States and against the employee of the government whose act or omission gave rise to the claim, by reason of the same subject matter.

(As amended Apr. 25, 1949, c. 92, § 2(b), 63 Stat. 62; May 24, 1949, c. 139, § 125, 63 Stat. 106; Sept. 23, 1950, c. 1010, § 9, 64 Stat. 987; Sept. 8, 1959, P.L. 86-238, § 1(1), 73 Stat. 471; July 18, 1966, P.L. 89-506, §§ 1, 9(a), 80 Stat. 306, 308.)

[§ 2673. Repealed. Pub. L. 89-348, § 1(1), Nov. 8, 1965, 79 Stat. 1310]

§ 2674. Liability of United States.

The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.

If, however, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the United States shall be liable for actual or compensatory damages, measured by the pecuniary injuries resulting from such death to the persons respectively, for whose benefit the action was brought, in lieu thereof.

§ 2675. Disposition by federal agency as prerequisite; evidence.

(a) An action shall not be instituted upon a claim against the United States for money damages for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, unless the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail. The failure of an agency to make final disposition of a claim within six months after it is filed shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim for purposes of this section. The provisions of this subsection shall not apply to such claims as may be asserted under the Federal Rules of Civil Procedure by third party complaint, cross-claim, or counterclaim.

(b) Action under this section shall not be instituted for any sum in excess of the amount of the claim presented to the federal agency, except where the increased amount is based upon newly discovered evidence not reasonably discoverable at the time of presenting the claim to the federal agency, or upon allegation and proof of intervening facts, relating to the amount of the claim.

(c) Disposition of any claim by the Attorney General or other head of a federal agency shall not be competent evidence of liability or amount of damages.

(As amended May 24, 1949, c. 139, § 126, 63 Stat. 107; July 18, 1966, P.L. 89-506, § 2, 80 Stat. 306.)

§ 2676. Judgment as bar.

The judgment in an action under section 1346(b) of this title shall constitute a complete bar to any action by the claimant, by reason of the same subject matter, against the employee of the government whose act or omission gave rise to the claim.

§ 2677. Compromise.

The Attorney General or his designee may arbitrate, compromise, or settle any claim cognizable under section 1346(b) of this title, after the commencement of an action thereon.

(As amended July 18, 1966, P.L. 89-506, § 3, 80 Stat. 307.)

§ 2678. Attorney fees; penalty.

No attorney shall charge, demand, receive, or collect for services rendered, fees in excess of 25 per centum of any judgment rendered pursuant to section 1346(b) of this title or any settlement made pursuant to section 2677 of this title, or in excess of 20 per centum of any award, compromise, or settlement made pursuant to section 2672 of this title.

Any attorney who charges, demands, receives, or collects for services rendered in connection with such claim any amount in excess of that allowed under this section, if recovery be had, shall be fined not more than \$2,000 or imprisoned not more than one year, or both.

(As amended July 18, 1966, P.L. 89-506, § 4, 80 Stat. 307.)

§ 2679. Exclusiveness of remedy.

(a) The authority of any federal agency to sue and be sued in its own name shall not be construed to authorize suits against such federal agency on claims which are cognizable under section 1346(b) of this title, and the remedies provided by this title in such cases shall be exclusive.

(b) The remedy against the United States provided by sections 1346(b) and 2672 of this title for injury or loss of property or personal injury or death, resulting from the operation by any employee of the Government of any motor vehicle while acting within the scope of his office or employment, shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against the employee or his estate whose act or omission gave rise to the claim.

(c) The Attorney General shall defend any civil action or proceeding brought in any court against any employee of the Government or his estate for any such damage or injury. The employee against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon him or an attested true copy thereof to his immediate superior or to whomever was designated by the head of his department to receive such papers and such person shall promptly furnish copies of the pleadings and process therein to the United States attorney for the district embracing the place wherein the proceeding is brought, to the Attorney General, and to the head of his employing Federal agency.

(d) Upon a certification by the Attorney General that the defendant employee was acting within the scope of his employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the

district court of the United States for the district and division embracing the place wherein it is pending and the proceedings deemed a tort action brought against the United States under the provisions of this title and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the case so removed is one in which a remedy by suit within the meaning of subsection (b) of this section is not available against the United States, the case shall be remanded to the State court.

(e) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677, and with the same effect.

(As amended Sept. 21, 1961, P.L. 87-258, § 1, 75 Stat. 539; July 18, 1966 P.L. 89-506, § 5(a), 80 Stat. 307.)

§2680. Exceptions.

The provisions of this chapter and section 1346(b) of this title shall not apply to—

(a) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(c) Any claim arising in respect of the assessment or collection of any tax or customs duty, or the detention of any goods or merchandise by any officer of customs or excise or any other law-enforcement officer.

(d) Any claim for which a remedy is provided by sections 741-752, 781-790 of Title 46, relating to claims or suits in admiralty against the United States.

(e) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of sections 1-31 of Title 50, Appendix.

(f) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

[(g) Repealed. Sept. 26, 1950, c. 1049, §13(5), 64 Stat. 1043.]

(h) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation,

deceit, or interference with contract rights: *Provided*, That, with regard to acts or omissions of investigative or law enforcement officers of the United States Government, the provisions of this chapter and section 1346(b) of this title shall apply to any claim arising, on or after the date of the enactment of this proviso, out of assault, battery, false imprisonment, false arrest, abuse of process, or malicious prosecution. For the purpose of this subsection, "investigative or law enforcement officer" means any officer of the United States who is empowered by law to execute searches, to seize evidence, or to make arrests for violations of federal law.

(i) Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system.

(j) Any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war.

(k) Any claim arising in a foreign country.

(l) Any claim arising from the activities of the Tennessee Valley Authority.

(m) Any claim arising from the activities of the Panama Canal Company.

(n) Any claim arising from the activities of a Federal land bank, a Federal intermediate credit bank, or a bank for cooperatives.

(As amended July 16, 1949, c. 340, 63 Stat. 444; Sept. 26, 1950, c. 1049, §§2(a)(2), 13(5), 64 Stat. 1038, 1043; Aug. 18, 1959, P.L. 86-168, Title II, §202(b), 73 Stat. 389; Mar. 16, 1974, P.L. 93-253, §2, 88 Stat. 50.)

(4) Appropriations for payment of judgments and claims against the United States (31 U.S.C. 724a)

§ 724a.

There are appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the payment, not otherwise provided for, as certified by the Comptroller General, of final judgments, awards, and compromise settlements, which are payable in accordance with the terms of section 2414, 2517, 2672, or 2677 of Title 28, and decisions of Boards of Contract Appeals, the Act of December 28, 1922, Chap. 17, 42 Stat. 1066, awards rendered by the Indian Claims Commission, and amounts (in excess of the amounts payable from agency appropriations) of claims determined meritorious under section 2733 or 2734 of Title 10, section 715 of Title 32, and section 203 of the National Aeronautics and Space Act of 1958, together with such interest and costs as may be specified in such judgments or otherwise authorized by law: *Provided*, That interest on a judgment of a district court to

which the provisions of section 2411(b) of Title 28 apply, payable from this appropriation, shall be paid only when such judgment becomes final after review on appeal or petition by the United States, and then only from the date of the filing of the transcript thereof in the General Accounting Office to the date of the mandate of affirmance (except that in cases reviewed by the Supreme Court interest shall not be allowed beyond the term of the Court at which the judgment was affirmed): *Provided further*, That interest on a judgment rendered by the United States Claims Court, payable from this appropriation, in accordance with subsection 2516(b) of Title 28, shall be computed from the date of the filing of the transcript thereof in the General Accounting Office: *Provided further*, That any judgment or compromise settlement against the United States arising out of an express or implied contract entered into by the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration, shall be paid in accordance with this section and sections 2414, 2517, and 2518 of Title 28, United States Code, and such instrumentality shall reimburse the United States for a judgment or compromise settlement paid by the United States. Judgments against the United States arising out of activities of the United States Postal Service shall be paid by the Postal Service out of any funds available to it.⁴⁴

SECTION V. TRACKING AND DATA RELAY SATELLITE SYSTEM

(1) Authority To Contract for Tracking and Data Relay Satellite Services (P.L. 95-76, July 30, 1977, 91 Stat. 316)

SEC. 6. The National Aeronautics and Space Administration is authorized, when so provided in an appropriation Act, to enter into and to maintain a contract for tracking and data relay satellite services. Such services shall be furnished to the National Aeronautics and Space Administration in accordance with applicable authorization and appropriations Acts. The Government shall incur no costs under such contract prior to the furnishing of such services except that the contract may provide for the payment for contingent liability of the Government which may accrue in the event the Government should decide for its convenience to terminate the contract before the end of the period of the contract. Facilities which may be required in the performance of the contract may be constructed on Gov-

42 USC 2463.

⁴⁴ As amended by the "Supplemental Appropriations Act, 1977", Public Law 95-26 (91 Stat. 96), the "Supplemental Appropriations Act, 1978", Public Law 95-240 (92 Stat. 107) and the "Contract Disputes Act of 1978", Public Law 95-563, November 1, 1978, section 14(c), (92 Stat. 2390).

ernment-owned lands if there is included in the contract a provision under which the Government may acquire title to the facilities, under terms and conditions agreed upon in the contract, upon termination of the contract.

The Administrator shall in January of each year report to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate the projected aggregate contingent liability of the Government under termination provisions of any contract authorized in that section through the next fiscal year. The authority of the National Aeronautics and Space Administration to enter into and to maintain the contract authorized hereunder shall remain in effect unless repealed by legislation hereafter enacted by the Congress.

(2) Cap on Total Cost of Restructured Tracking and Data Relay Satellite Services Program ⁴⁵

SEC. 125. No funds appropriated by this joint resolution or any other Act may be used to enter into a restructured contract of the National Aeronautics and Space Administration for tracking and data relay satellite services if the estimated impact on total program cost of such restructured contract exceeds \$216,000,000, or if the estimated total cost of the restructured tracking and data relay satellite services program exceeds \$2,704,000,000, unless the Committees on Appropriations, having been apprised of higher estimates by the Administrator of the National Aeronautics and Space Administration, approve entering into such contract: *Provided*, That if at any time the Administrator of the National Aeronautics and Space Administration estimates that the total cost of the tracking and data relay satellite services program will exceed \$2,704,000,000, or that the impact on total cost of restructuring the contract for such services will exceed \$216,000,000, he shall promptly notify the Committees on Appropriations and shall take no actions that would cause such costs to increase without the approval of the Committees on Appropriations. ⁴⁶

⁴⁵ This section was enacted by the "Further Continuing Appropriations, 1983," "Public Law 97-377, Dec. 21, 1982, (96 Stat. 1913).

⁴⁶ Allowing such costs to exceed the cap with the approval of the Committees on Appropriations is unconstitutional under the Supreme Court's legislative veto decision, *Immigration and Naturalization Service v. Chadha*, — U.S. —, 103 S.Ct. 2764 (1983), 51 USLW 4907.

SECTION VI. TECHNOLOGY APPLICATIONS

(1) NASA Industrial Applications Centers, 15 U.S.C. 631, et al.

The Small Business Development Center Act of 1980, Public Law 96-302, July 2, 1980 (94 Stat. 843) authorized the Small Business Administration (SBA) to make grants to certain entities to establish small business development centers. NASA was directed in section 202 (which inserted section 21. (f)), to:

"(f) The National Aeronautics and Space Administration and industrial application centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in this program. The National Aeronautics and Space Administration shall report annually on the performance of such industrial application centers with recommendations to the Administration and the Congress on how such industrial application centers can be strengthened and expanded. The National Aeronautics and Space Administration shall include in its report to Congress information on the ability of industrial application centers to interact with the Nation's small business community and recommendations to the Administration on continued funding.

(2) Stevenson-Wydler Technology Innovation Act of 1980, 15 U.S.C. 3701, Public Law 96-480, Oct. 21, 1980 (94 Stat. 2311)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Stevenson-Wydler Technology Innovation Act of 1980".

Stevenson-Wydler Technology Innovation Act of 1980, 15 USC 3701 note, 15 USC 3701.

SEC. 2. FINDINGS.

The Congress finds and declares that:

(1) Technology and industrial innovation are central to the economic, environmental, and social well-being of citizens of the United States.

(2) Technology and industrial innovation offer an improved standard of living, increased public and private sector productivity, creation of new industries and employment opportunities, improved public services and enhanced competitiveness of United States products in world markets.

(3) Many new discoveries and advances in science occur in universities and Federal laboratories, while the application of this new knowledge to commercial and useful public purposes depends largely upon actions by business and labor. Cooperation among academia, Federal laboratories, labor, and industry, in such forms as technology transfer, personnel exchange, joint research projects, and

others, should be renewed, expanded, and strengthened.

(4) Small businesses have performed an important role in advancing industrial and technological innovation.

(5) Industrial and technological innovation in the United States may be lagging when compared to historical patterns and other industrialized nations.

(6) Increased industrial and technological innovation would reduce trade deficits, stabilize the dollar, increase productivity gains, increase employment, and stabilize prices.

(7) Government antitrust, economic, trade, patent, procurement, regulatory, research and development, and tax policies have significant impacts upon industrial innovation and development of technology, but there is insufficient knowledge of their effects in particular sectors of the economy.

(8) No comprehensive national policy exists to enhance technological innovation for commercial and public purposes. There is a need for such a policy, including a strong national policy supporting domestic technology transfer and utilization of the science and technology resources of the Federal Government.

(9) It is in the national interest to promote the adaptation of technological innovations to State and local government uses. Technological innovations can improve services, reduce their costs, and increase productivity in State and local governments.

(10) The Federal laboratories and other performers of federally funded research and development frequently provide scientific and technological developments of potential use to State and local governments and private industry. These developments should be made accessible to those governments and industry. There is a need to provide means of access and to give adequate personnel and funding support to these means.

(11) The Nation should give fuller recognition to individuals and companies which have made outstanding contributions to the promotion of technology or technological manpower for the improvement of the economic, environmental, or social well-being of the United States.

15 USC 3702.

SEC. 3. PURPOSE.

It is the purpose of this Act to improve the economic, environmental, and social well-being of the United States by—

(1) establishing organizations in the executive branch to study and stimulate technology;

(2) promoting technology development through the establishment of centers for industrial technology;

(3) stimulating improved utilization of federally funded technology developments by State and local governments and the private sector;

(4) providing encouragement for the development of technology through the recognition of individuals and companies which have made outstanding contributions in technology; and

(5) encouraging the exchange of scientific and technical personnel among academia, industry, and Federal laboratories.

SEC. 4. DEFINITIONS.

15 USC 3703.

As used in this Act, unless the context otherwise requires, the term—

(1) "Office" means the Office of Industrial Technology established under section 5 of this Act.

(2) "Secretary" means the Secretary of Commerce.

(3) "Director" means the Director of the Office of Industrial Technology, appointed pursuant to section 5 of this Act.

(4) "Centers" means the Centers for Industrial Technology established under section 6 or section 8 of this Act.

(5) "Nonprofit institution" means an organization owned and operated exclusively for scientific or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(6) "Board" means the National Industrial Technology Board established pursuant to section 10.

(7) "Federal laboratory" means any laboratory, any federally funded research and development center, or any center established under section 6 or section 8 of this Act that is owned and funded by the Federal Government, whether operated by the Government or by a contractor.

(8) "Supporting agency" means either the Department of Commerce or the National Science Foundation, as appropriate.

SEC. 5. COMMERCE AND TECHNOLOGICAL INNOVATION.

(a) IN GENERAL.—The Secretary shall establish and maintain an Office of Industrial Technology in accordance with the provisions, findings, and purposes of this Act.

(b) DIRECTOR.—The President shall appoint, by and with the advice and consent of the Senate, a Director of the Office, who shall be compensated at the rate provided for level V of the Executive Schedule in section 5316 of title 5, United States Code.

Office of
Industrial
Technology,
establishment.
15 USC 3704.

(c) DUTIES.—The Secretary, through the Director, on a continuing basis, shall—

(1) determine the relationships of technological developments and international technology transfers to the output, employment, productivity, and world trade performance of United States and foreign industrial sectors;

(2) determine the influence of economic, labor and other conditions, industrial structure and management, and government policies on technological developments in particular industrial sectors worldwide;

(3) identify technological needs, problems, and opportunities within and across industrial sectors that, if addressed, could make a significant contribution to the economy of the United States;

(4) assess whether the capital, technical and other resources being allocated to domestic industrial sectors which are likely to generate new technologies are adequate to meet private and social demands for goods and services and to promote productivity and economic growth;

(5) propose and support studies and policy experiments, in cooperation with other Federal agencies, to determine the effectiveness of measures with the potential of advancing United States technological innovation;

(6) provide that cooperative efforts to stimulate industrial innovation be undertaken between the Director and other officials in the Department of Commerce responsible for such areas as trade and economic assistance;

(7) consider government measures with the potential of advancing United States technological innovation and exploiting innovations of foreign origin; and

(8) publish the results of studies and policy experiments.

Report to
President and
Congress.

(d) REPORT.—The Secretary shall prepare and submit to the President and Congress, within 3 years after the date of enactment of this Act, a report on the progress, findings, and conclusions of activities conducted pursuant to sections 5, 6, 8, 11, 12, and 13 of this Act and recommendations for possible modifications thereof.

15 USC 3705.

SEC. 6. CENTERS FOR INDUSTRIAL TECHNOLOGY.

(a) ESTABLISHMENT.—The Secretary shall provide assistance for the establishment of Centers for Industrial Technology. Such Centers shall be affiliated with any university, or other nonprofit institution, or group thereof, that applies for and is awarded a grant or enters into a cooperative agreement under this section. The objective of the Centers is to enhance technological innovation through—

(1) the participation of individuals from industry and universities in cooperative technological innovation activities;

(2) the development of the generic research base, important for technological advance and innovative activity, in which individual firms have little incentive to invest, but which may have significant economic or strategic importance, such as manufacturing technology;

(3) the education and training of individuals in the technological innovation process;

(4) the improvement of mechanisms for the dissemination of scientific, engineering, and technical information among universities and industry;

(5) the utilization of the capability and expertise, where appropriate, that exists in Federal laboratories; and

(6) the development of continuing financial support from other mission agencies, from State and local government, and from industry and universities through, among other means, fees, licenses, and royalties.

(b) **ACTIVITIES.**—The activities of the Centers shall include, but need not be limited to—

(1) research supportive of technological and industrial innovation including cooperative industry-university basic and applied research;

(2) assistance to individuals and small businesses in the generation, evaluation and development of technological ideas supportive of industrial innovation and new business ventures;

(3) technical assistance and advisory services to industry, particularly small businesses; and

(4) curriculum development, training, and instruction in invention, entrepreneurship, and industrial innovation.

Each Center need not undertake all of the activities under this subsection.

(c) **REQUIREMENTS.**—Prior to establishing a Center, the Secretary shall find that—

(1) consideration has been given to the potential contribution of the activities proposed under the Center to productivity, employment, and economic competitiveness of the United States;

(2) a high likelihood exists of continuing participation, advice, financial support, and other contributions from the private sector;

(3) the host university or other nonprofit institution has a plan for the management and evaluation of the activities proposed within the particular Center, including:

(A) the agreement between the parties as to the allocation of patent rights on a nonexclusive, partially exclusive, or exclusive license

basis to and inventions conceived or made under the auspices of the Center; and

(B) the consideration of means to place the Center, to the maximum extent feasible, on a self-sustaining basis;

(4) suitable consideration has been given to the university's or other nonprofit institution's capabilities and geographical location; and

(5) consideration has been given to any effects upon completion of the activities proposed under the Center.

(d) **PLANNING GRANTS.**—The Secretary is authorized to make available nonrenewable planning grants to universities or nonprofit institutions for the purpose of developing a plan required under subsection (c)(3).

Inventions, title acquisition.

(e) **RESEARCH AND DEVELOPMENT UTILIZATION.**—(1) To promote technological innovation and commercialization of research and development efforts, each Center has the option of acquiring title to any invention conceived or made under the auspices of the Center that was supported at least in part by Federal funds: *Provided, That*—

(A) the Center reports the invention to the supporting agency together with a list of each country in which the Center elects to file a patent application on the invention;

(B) said option shall be exercised at the time of disclosure of invention or within such time thereafter as may be provided in the grant or cooperative agreement;

(C) the Center intends to promote the commercialization of the invention and file a United States patent application;

(D) royalties be used for compensation of the inventor or for educational or research activities of the Center;

(E) the Center make periodic reports to the supporting agency, and the supporting agency may treat information contained in such reports as privileged and confidential technical, commercial, and financial information and not subject to disclosures under the Freedom of Information Act; and

(F) any Federal department or agency shall have the royalty-free right to practice, or have practiced on its behalf, the invention for governmental purposes.

The supporting agency shall have the right to acquire title to any patent on an invention in any country in which the Center elects not to file a patent application or fails to file within a reasonable time.

Supporting agency licensing rights.

(2) Where a Center has retained title to an invention under paragraph (1) of this subsection the supporting agency shall have the right to require the Center or its licensee to grant a nonexclusive, partially exclusive, or

exclusive license to a responsible applicant or applicants, upon terms that are reasonable under the circumstances, if the supporting agency determines, after public notice and opportunity for hearing, that such action is necessary—

(A) because the Center or licensee has not taken and is not expected to take timely and effective action to achieve practical application of the invention;

(B) to meet health, safety, environmental, or national security needs which are not reasonably satisfied by the contractor or licensee; or

(C) because the granting of exclusive rights in the invention has tended substantially to lessen competition or to result in undue market concentration in the United States in any line of commerce to which the technology relates.

(3) Any individual, partnership, corporation, association, institution, or other entity adversely affected by a supporting agency determination made under paragraph (2) of this subsection may, at any time within 60 days after the determination is issued, file a petition to the United States Claims Court which shall have jurisdiction to determine that matter de novo and to affirm, reverse, or modify as appropriate, the determination of the supporting agency.

U.S. Claims
Court petition.

(f) **ADDITIONAL CONSIDERATION.**—The supporting agency may request the Attorney General's opinion whether the proposed joint research activities of a Center would violate any of the antitrust laws. The Attorney General shall advise the supporting agency of his determination and the reasons for it within 120 days after receipt of such request.

Antitrust laws.

SEC. 7. GRANTS AND COOPERATIVE AGREEMENTS.

15 USC 3706.

(a) **IN GENERAL.**—The Secretary may make grants and enter into cooperative agreements according to the provisions of this section in order to assist any activity consistent with this Act, including activities performed by individuals. The total amount of any such grant or cooperative agreement may not exceed 75 percent of the total cost of the program.

(b) **ELIGIBILITY AND PROCEDURE.**—Any person or institution may apply to the Secretary for a grant or cooperative agreement available under this section. Application shall be made in such form and manner, and with such content and other submissions, as the Director shall prescribe. The Secretary shall act upon each such application within 90 days after the date on which all required information is received.

(c) **TERMS AND CONDITIONS.**—

(1) Any grant made, or cooperative agreement entered into, under this section shall be subject to the limitations and provisions set forth in paragraph (2)

of this subsection, and to such other terms, conditions, and requirements as the Secretary deems necessary or appropriate.

(2) Any person who receives or utilizes any proceeds of any grant made or cooperative agreement entered into under this section shall keep such records as the Secretary shall by regulation prescribe as being necessary and appropriate to facilitate effective audit and evaluation, including records which fully disclose the amount and disposition by such recipient of such proceeds, the total cost of the program or project in connection with which such proceeds were used, and the amount, if any, of such costs which was provided through other sources.

15 USC 3707.

SEC. 8. NATIONAL SCIENCE FOUNDATION CENTERS FOR INDUSTRIAL TECHNOLOGY.

(a) **ESTABLISHMENT AND PROVISIONS.**—The National Science Foundation shall provide assistance for the establishment of Centers for Industrial Technology. Such Centers shall be affiliated with a university, or other nonprofit institution, or a group thereof. The objective of the Centers is to enhance technological innovation as provided in section 6(a) through the conduct of activities as provided in section 6(b). The provisions of sections 6(e) and 6(f) shall apply to Centers established under this section.

(b) **PLANNING GRANTS.**—The National Science Foundation is authorized to make available nonrenewable planning grants to universities or nonprofit institutions for the purpose of developing the plan, as described under section 6(c)(3).

(c) **TERMS AND CONDITIONS.**—Grants, contracts, and cooperative agreements entered into by the National Science Foundation in execution of the powers and duties of the National Science Foundation under this Act shall be governed by the National Science Foundation Act of 1950 and other pertinent Acts.

42 USC 1861
note. 15 USC
3708.

SEC. 9. ADMINISTRATIVE ARRANGEMENTS.

(a) **COORDINATION.**—The Secretary and the National Science Foundation shall, on a continuing basis, obtain the advice and cooperation of departments and agencies whose missions contribute to or are affected by the programs established under this Act, including the development of an agenda for research and policy experimentation. These departments and agencies shall include but not be limited to the Departments of Defense, Energy, Education, Health and Human Services, Housing and Urban Development, the Environmental Protection Agency, National Aeronautics and Space Administration, Small Business Administration, Council of Economic Advisors, Council on Environmental Quality, and Office of Science and Technology Policy.

(b) **COOPERATION.**—It is the sense of the Congress that departments and agencies, including the Federal Laboratories, whose missions are affected by, or could contribute to, the programs established under this Act, should, within the limits of budgetary authorizations and appropriations, support or participate in activities or projects authorized by this Act.

(c) **ADMINISTRATIVE AUTHORIZATION.**—

(1) Departments and agencies described in subsection (b) are authorized to participate in, contribute to, and serve as resources for the Centers and for any other activities authorized under this Act.

(2) The Secretary and the National Science Foundation are authorized to receive moneys and to receive other forms of assistance from other departments or agencies to support activities of the Centers and any other activities authorized under this Act.

(d) **COOPERATIVE EFFORTS.**—The Secretary and the National Science Foundation shall, on a continuing basis, provide each other the opportunity to comment on any proposed program of activity under section 6, 8, or 13 of this Act before funds are committed to such program in order to mount complementary efforts and avoid duplication.

SEC. 10. NATIONAL INDUSTRIAL TECHNOLOGY BOARD.

15 USC 3709.

(a) **ESTABLISHMENT.**—There shall be established a committee to be known as the National Industrial Technology Board.

(b) **DUTIES.**—The Board shall take such steps as may be necessary to review annually the activities of the Office and advise the Secretary and the Director with respect to—

(1) the formulation and conduct of activities under section 5 of this title;

(2) the designation and operation of Centers and their programs under section 6 of this Act including assistance in establishing priorities;

(3) the preparation of the report required under section 5(d); and

(4) such other matters as the Secretary or Director refers to the Board, including the establishment of Centers under section 8 of this Act, for review and advice.

The Director shall make available to the Board such information, personnel, and administrative services and assistance as it may reasonably require to carry out its duties. The National Science Foundation shall make available to the Board such information and assistance as it may reasonably require to carry out its duties.

(c) **MEMBERSHIP, TERMS, AND POWERS.**—

(1) The Board shall consist of 15 voting members who shall be appointed by the Secretary. The Direc-

tor shall serve as a nonvoting member of the Board. The members of the Board shall be individuals who, by reason of knowledge, experience, or training are especially qualified in one or more of the disciplines and fields dealing with technology, labor, and industrial innovation or who are effected by technological innovation. The majority of the members of the Board shall be individuals from industry and business.

(2) The term of office of a voting member of the Board shall be 3 years, except that of the original appointees, five shall be appointed for a term of 1 year, five shall be appointed for a term of 2 years, and five shall be appointed for a term of 3 years.

(3) Any individual appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed only for the remainder of such term. No individual may be appointed as a voting member after serving more than two full terms as such a member.

(4) The Board shall select a voting member to serve as the Chairperson and another voting member to serve as the Vice Chairperson. The Vice Chairperson shall perform the functions of the Chairperson in the absence or incapacity of the Chairperson.

(5) Voting members of the Board may receive compensation at a daily rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code, when actually engaged in the performance of duties for such Board, and may be reimbursed for actual and reasonable expenses incurred in the performance of such duties.

45 FR 69201.

15 USC 3710.

SEC. 11. UTILIZATION OF FEDERAL TECHNOLOGY.

(a) **POLICY.**—It is the continuing responsibility of the Federal Government to ensure the full use of the results of the Nation's Federal investment in research and development. To this end the Federal Government shall strive where appropriate to transfer federally owned or originated technology to State and local governments and to the private sector.

Technology
transfer.

(b) **ESTABLISHMENT OF RESEARCH AND TECHNOLOGY APPLICATIONS OFFICES.**—Each Federal laboratory shall establish an Office of Research and Technology Applications. Laboratories having existing organizational structures which perform the functions of this section may elect to combine the Office of Research and Technology Applications within the existing organization. The staffing and funding levels for these offices shall be determined between each Federal laboratory and the Federal agency operating or directing the laboratory, except that (1) each laboratory having a total annual budget

exceeding \$20,000,000 shall provide at least one professional individual full-time as staff for its Office of Research and Technology Applications, and (2) after September 30, 1981, each Federal agency which operates or directs one or more Federal laboratories shall make available not less than 0.5 percent of the agency's research and development budget to support the technology transfer function at the agency and at its laboratories, including support of the Offices of Research and Technology Applications. The agency head may waive the requirements set forth in (1) and/or (2) of this subsection. If the agency head waives either requirement (1) or (2), the agency head shall submit to Congress at the time the President submits the budget to Congress an explanation of the reasons for the waiver and alternate plans for conducting the technology transfer function at the agency.

Waiver.
Submittal to
Congress.

(c) **FUNCTIONS OF RESEARCH AND TECHNOLOGY APPLICATIONS OFFICES.**—It shall be the function of each Office of Research and Technology Applications—

(1) to prepare an application assessment of each research and development project in which that laboratory is engaged which has potential for successful application in State or local government or in private industry;

(2) to provide and disseminate information on federally owned or originated products, processes, and services having potential application to State and local governments and to private industry;

(3) to cooperate with and assist the Center for the Utilization of Federal Technology and other organizations which link the research and development resources of that laboratory and the Federal Government as a whole to potential users in State and local government and private industry; and

(4) to provide technical assistance in response to requests from State and local government officials.

Agencies which have established organizational structures outside their Federal laboratories which have as their principal purpose the transfer of federally owned or originated technology to State and local government and to the private sector may elect to perform the functions of this subsection in such organizational structures. No Office of Research and Technology Applications or other organizational structures performing the functions of this subsection shall substantially compete with similar services available in the private sector.

(d) **CENTER FOR THE UTILIZATION OF FEDERAL TECHNOLOGY.**—There is hereby established in the Department of Commerce a Center for the Utilization of Federal Technology. The Center for the Utilization of Federal Technology shall—

Establishment.

(1) serve as a central clearinghouse for the collection, dissemination and transfer of information on

federally owned or originated technologies having potential application to State and local governments and to private industry;

(2) coordinate the activities of the Offices of Research and Technology Applications of the Federal laboratories;

(3) utilize the expertise and services of the National Science Foundation and the existing Federal Laboratory Consortium for Technology Transfer; particularly in dealing with State and local governments;

(4) receive requests for technical assistance from State and local governments and refer these requests to the appropriate Federal laboratories;

(5) provide funding, at the discretion of the Secretary, for Federal laboratories to provide the assistance specified in subsection (c)(4); and

(6) use appropriate technology transfer mechanisms such as personnel exchanges and computer-based systems

(e) AGENCY REPORTING.—Each Federal agency which operates or directs one or more Federal laboratories shall prepare biennially a report summarizing the activities performed by that agency and its Federal laboratories pursuant to the provisions of this section. The report shall be transmitted to the Center for the Utilization of Federal Technology by November 1 of each year in which it is due.

15 USC 3711.

SEC. 12. NATIONAL TECHNOLOGY MEDAL.

(a) ESTABLISHMENT.—There is hereby established a National Technology Medal, which shall be of such design and materials and bear such inscriptions as the President, on the basis of recommendations submitted by the Office of Science and Technology Policy, may prescribe.

(b) AWARD.—The President shall periodically award the medal, on the basis of recommendations received from the Secretary or on the basis of such other information and evidence as he deems appropriate, to individuals or companies, which in his judgment are deserving of special recognition by reason of their outstanding contributions to the promotion of technology or technological manpower for the improvement of the economic, environmental, or social well-being of the United States.

(c) PRESENTATION.—The presentation of the award shall be made by the President with such ceremonies as he may deem proper.

15 USC 3712.

SEC. 13. PERSONNEL EXCHANGES.

The Secretary and the National Science Foundation, jointly, shall establish a program to foster the exchange of scientific and technical personnel among academia, industry, and Federal laboratories. Such program shall

include both (1) federally supported exchanges and (2) efforts to stimulate exchanges without Federal funding.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) There is authorized to be appropriated to the Secretary for purposes of carrying out section 6, not to exceed \$19,000,000 for the fiscal year ending September 30, 1981, \$40,000,000 for the fiscal year ending September 30, 1982, \$50,000,000 for the fiscal year ending September 30, 1983, and \$60,000,000 for each of the fiscal years ending September 30, 1984, and 1985. 15 USC 3713.

(b) In addition to authorizations of appropriations under subsection (a), there is authorized to be appropriated to the Secretary for purposes of carrying out the provisions of this Act, not to exceed \$5,000,000 for the fiscal year ending September 30, 1981, \$9,000,000 for the fiscal year ending September 30, 1982, and \$14,000,000 for each of the fiscal years ending September 30, 1983, 1984, and 1985.

(c) Such sums as may be appropriated under subsections (a) and (b) shall remain available until expended.

(d) To enable the National Science Foundation to carry out its powers and duties under this Act only such sums may be appropriated as the Congress may authorize by law.

SEC. 15. SPENDING AUTHORITY.

No payments shall be made or contracts shall be entered into pursuant to this Act except to such extent or in such amounts as are provided in advance in appropriation Acts. 15 USC 3714.

SECTION VII. RELATIONSHIPS WITH OTHER AGENCIES

(1) Coordination of government agencies in the resolution of policy differences in matters of arms control and disarmament (22 U.S.C. 2575)

§ 2575. Coordination of Government agencies and resolution of policy differences.

The President is authorized to establish procedures to (1) assure cooperation, consultation, and a continuing exchange of information between the Agency and the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration and other affected Government agencies, in all significant aspects of United States arms control and disarmament policy and related matters, including current and prospective policies, plans, and programs, (2) resolve differences of opinion between the Director and such other agencies which cannot be resolved through consultation, and (3) provide for presentation to the President of recommendations of the Director with respect to such differences, when such differences involve major matters of policy and cannot be resolved through

consultation. (P.L. 87-297, title III, § 35, Sept. 26, 1961, 75 Stat. 635.)

(2) Access and exchange of restricted data among employees of specified agencies (22 U.S.C. 2585(c))

(c) Atomic Energy Commission ⁴⁷ Restricted Data; access; personnel security procedures and standards of Commission and Agency; interim clearance; exchanges.

The Atomic Energy Commission may authorize any of its employees, or employees of any contractor, prospective contractor, licensee, or prospective licensee of the Atomic Energy Commission or any other person authorized to have access to Restricted Data by the Atomic Energy Commission under section 2165 of Title 42, to permit the Director or any officer, employee, consultant, person detailed from other Government agencies, member of the General Advisory Committee or of an advisory board established pursuant to section 2581(f) of this title, contractor, subcontractor, prospective contractor, or prospective subcontractor, or officer or employee of such contractor, subcontractor, prospective contractor or prospective subcontractor, to have access to Restricted Data which is required in the performance of his duties and so certified by the Director, but only if (1) the Atomic Energy Commission has determined, in accordance with the established personnel security procedures and standards of the Commission, that permitting such individual to have access to such Restricted Data will not endanger the common defense and security, and (2) the Atomic Energy Commission finds that the established personnel and other security procedures and standards of the Agency are adequate and in reasonable conformity to the standards established by the Atomic Energy Commission under section 2165 of Title 42, including those for interim clearance in subsection (b) thereof. Any individual granted access to such Restricted Data pursuant to this subsection may exchange such data with any individual who (A) is an officer or employee of the Department of Defense, or any department or agency thereof, or a member of the Armed Forces, or an officer or employee of the National Aeronautics and Space Administration, or a contractor or subcontractor of any such department, agency, or armed force, or an officer or employee of any such contractor or subcontractor, and (B) has been authorized to have access to Restricted Data under the provisions of sections 2163 or 2455 of Title 42. (P.L. 87-297, title IV, § 45, Sept. 26, 1961, 75 Stat. 637; P.L. 88-186, § 2, Nov. 26, 1963, 77 Stat. 341.)

⁴⁷ The Atomic Energy Commission was abolished and its functions transferred to the Energy Research and Development Administration (ERDA) by Public Law 93-438, Oct. 11, 1974 (88 Stat. 1233). ERDA was abolished and its functions transferred to the Department of Energy by Public Law 95-91, Aug. 4, 1977 (91 Stat. 565) which was effective Oct. 1, 1977.

(3) Relationship of NASA to Federal Aviation Administration (49 U.S.C. 1349)

§ 1349. Expenditure of Federal funds for certain airports and air navigation facilities; location of airports, landing areas, and missile and rocket sites.

(a) No Federal funds, other than those expended under this chapter, shall be expended, other than for military purposes (whether or not in cooperation with State or other local governmental agencies), for the acquisition, establishment, construction, alteration, repair, maintenance, or operation of any landing area, or for the acquisition, establishment, construction, maintenance, or operation of air navigation facilities thereon, except upon written recommendation and certification by the Administrator [of the Federal Aviation Administration] that such landing area or facility is reasonably necessary for use in air commerce or in the interests of national defense. Any interested person may apply to the Administrator, under regulations prescribed by him, for such recommendation and certification with respect to any landing area or air navigation facility proposed to be established, constructed, altered, repaired, maintained, or operated by, or in the interests of, such person. There shall be no exclusive right for the use of any landing area or air navigation facility upon which Federal funds have been expended.

(b) In order to assure conformity to plans and policies for allocations of airspace by the Administrator under section 1348 of this title, no military airport or landing area, or missile or rocket site shall be acquired, established, or constructed, or any runway layout substantially altered, unless reasonable prior notice thereof is given the Administrator so that he may advise with the appropriate committees of the Congress and other interested agencies as to the effects of such acquisition, establishment, construction, or alteration on the use of airspace by aircraft. In case of a disagreement between the Administrator and the Department of Defense or the National Aeronautics and Space Administration the matter may be appealed to the President for final determination.

(4) Relationship of NASA to Civil Aeronautics Board (42 U.S.C. 1505)

§ 1505. Cooperation with government agencies.⁴⁸

The Board [Civil Aeronautics Board] and the Secretary of Transportation may avail themselves of the as-

⁴⁸This function at the Civil Aeronautics Board (CAB) will be transferred to the Department of Transportation on January 1, 1985 when the authority of the CAB will be terminated pursuant to the "Airline Deregulation Act of 1978", Public Law 95-504, section 40, Oct. 24, 1978 (92 Stat. 1705).

sistance of the National Aeronautics and Space Administration and any research or technical agency of the United States on matters relating to aircraft fuel and oil and to the design, materials, workmanship, construction, performance, maintenance, and operation of aircraft, aircraft engines, propellers, appliances, and air navigation facilities. The Board may avail itself of the assistance of the Federal Bureau of Investigation and of any investigatory or intelligence agency of the United States in the investigation of the activities of any person in connection with an aircraft accident. The Board may avail itself of the assistance of any medical agency of the United States in the conduct of such autopsies or tests on the remains of deceased persons aboard the aircraft at the time of the accident, who die as a result of the accident, as may be necessary to aid the Board in the investigation of an aircraft accident. Each such agency is authorized to conduct such scientific and technical researches, investigations, and tests as may be necessary to aid the Board and the Secretary of Transportation in the exercise and performance of their powers and duties. Nothing contained in this chapter shall be construed to authorize the duplication of the laboratory research activities of any existing governmental agency.

(5) Conservation programs on public lands

16 U.S.C. 670a-670n. P.L. 86-797, Sept. 15, 1960 (74 Stat. 1052) as amended by P.L. 93-452, Oct. 18, 1974 (88 Stat. 1369); "Sikes Act Amendments of 1978," P.L. 95-420, Oct. 5, 1978 (92 Stat. 921); P.L. 97-396, Dec. 31, 1982 (96 Stat. 2005).

Subchapter I is Conservation Programs on Military Reservations (16 U.S.C. 670a-f).

Subchapter II is Conservation on Public Lands (16 U.S.C. 670g-670o):

SUBCHAPTER II—CONSERVATION PROGRAMS ON PUBLIC LANDS

§ 670g. Wildlife, fish, and game conservation and rehabilitation programs; cooperation between Secretary of the Interior, Secretary of Agriculture, and State agencies in planning, etc., in accordance with comprehensive plans; scope and implementation of programs.

(a) The Secretary of the Interior and the Secretary of Agriculture shall each, in cooperation with the State agencies and in accordance with comprehensive plans developed pursuant to section 670h of this title, plan, develop, maintain, and coordinate programs for the conservation and rehabilitation of wildlife, fish, and game. Such conservation and rehabilitation programs shall include, but not be limited to, specific habitat improve-

ment projects and related activities and adequate protection for species considered threatened or endangered.

(b) The Secretary of the Interior shall implement the conservation and rehabilitation programs required under subsection (a) of this section on public land under his jurisdiction. The Secretary of the Interior shall adopt, modify, and implement the conservation and rehabilitation programs required under subsection (a) of this section on public land under the jurisdiction of the Chairman, but only with the prior written approval of the Atomic Energy Commission, and on public land under the jurisdiction of the Administrator, but only with the prior written approval of the Administrator. The Secretary of Agriculture shall implement such conservation and rehabilitation programs on public land under his jurisdiction.

§ 670h. Comprehensive plans for conservation and rehabilitation programs.

(a) Development by Secretary of the Interior and Secretary of Agriculture; consultation with State agencies; prior written approval of concerned Federal agencies

(1) The Secretary of the Interior shall develop, in consultation with the State agencies, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under his jurisdiction and the Secretary of Agriculture shall do the same in connection with public land under his jurisdiction.

(2) The Secretary of the Interior shall develop, with the prior written approval of the Atomic Energy Commission, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under the jurisdiction of the Chairman and develop, with the prior written approval of the Administrator a comprehensive plan for such programs to be implemented on public land under the jurisdiction of the Administrator. Each such plan shall be developed after the Secretary of the Interior makes, with the prior written approval of the Chairman or the Administrator, as the case may be, and in consultation with the State agencies, necessary studies and surveys of the land concerned to determine where conservation and rehabilitation programs are most needed.

(b) Development consistent with overall land use and management plans; hunting, trapping, and fishing authorized in accordance with applicable State laws and regulations

Each comprehensive plan developed pursuant to this section shall be consistent with any overall land use and management plans for the lands involved. In any case in which hunting, trapping, or fishing (or any com-

bination thereof) of resident fish and wildlife is to be permitted on public land under a comprehensive plan, such hunting, trapping, and fishing shall be conducted in accordance with applicable laws and regulations of the State in which such land is located.

(c) Cooperative agreements by State agencies for implementation of programs; modification; contents; hunting, trapping and fishing authorized in accordance with applicable State laws and regulations; regulations

(1) Each State agency may enter into a cooperative agreement with—

(A) the Secretary of the Interior with respect to those conservation and rehabilitation programs to be implemented under this subchapter within the State on public land which is under his jurisdiction;

(B) the Secretary of Agriculture with respect to those conservation and rehabilitation programs to be implemented under this subchapter within the State on public land which is under his jurisdiction; and

(C) the Secretary of the Interior and the Chairman or the Administrator, as the case may be, with respect to those conservation and rehabilitation programs to be implemented under this subchapter within the State on public land under the jurisdiction of the Chairman or the Administrator; except that before entering into any cooperative agreement which affects public land under the jurisdiction of the Chairman, the Secretary of the Interior shall obtain the prior written approval of the Atomic Energy Commission and before entering into any cooperative agreement which affects public lands under the jurisdiction of the Administrator, the Secretary of the Interior shall obtain the prior written approval of the Administrator.

Conservation and rehabilitation programs developed and implemented pursuant to this subchapter shall be deemed as supplemental to wildlife, fish, and game-related programs conducted by the Secretary of the Interior and the Secretary of Agriculture pursuant to other provisions of law. Nothing in this subchapter shall be construed as limiting the authority of the Secretary of the Interior or the Secretary of Agriculture, as the case may be, to manage the national forests or other public lands for wildlife and fish and other purposes in accordance with the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528-531) or other applicable authority.

(2) Any conservation and rehabilitation program included within a cooperative agreement entered into under this subsection may be modified in a manner mutually agreeable to the State agency and the Secretary

concerned (and the Chairman or the Administrator, as the case may be, if public land under his jurisdiction is involved). Before modifying any cooperative agreement which affects public land under the jurisdiction of the Chairman, the Secretary of the Interior shall obtain the prior written approval of the Atomic Energy Commission and before modifying any cooperative agreement which affects public land under the jurisdiction of the Administrator, the Secretary of the Interior shall obtain the prior written approval of the Administrator.

(3) Each cooperative agreement entered into under this subsection shall—

(A) specify those areas of public land within the State on which conservation and rehabilitation programs will be implemented;

(B) provide for fish and wildlife habitat improvements or modifications, or both;

(C) provide for range rehabilitation where necessary for support of wildlife;

(D) provide adequate protection for fish and wildlife officially classified as threatened or endangered pursuant to section 1533 of this title or considered to be threatened, rare, or endangered by the State agency;

(E) require the control of off-road vehicle traffic;

(F) if the issuance of public land area management stamps is agreed to pursuant to section 670i(a) of this title—

(i) contain such terms and conditions as are required under section 670i(b) of this title;

(ii) require the maintenance of accurate records and the filing of annual reports by the State agency to the Secretary of the Interior or the Secretary of Agriculture, or both, as the case may be, setting forth the amount and disposition of the fees collected for such stamps; and

(iii) authorize the Secretary concerned and the Comptroller General of the United States, or their authorized representatives, to have access to such records for purposes of audit and examination; and

(G) contain such other terms and conditions as the Secretary concerned and the State agency deem necessary and appropriate to carry out the purposes of this subchapter.

A cooperative agreement may also provide for arrangements under which the Secretary concerned may authorize officers and employees of the State agency to enforce, or to assist in the enforcement of, section 670j(a) of this title.

(4) Except where limited under a comprehensive plan or pursuant to cooperative agreement, hunting, fishing, and trapping shall be permitted with respect to resident

fish and wildlife in accordance with applicable laws and regulations of the State in which such land is located on public land which is the subject of a conservation and rehabilitation program implemented under this subchapter.

(5) The Secretary of the Interior and the Secretary of Agriculture, as the case may be, shall prescribe such regulations as are deemed necessary to control, in a manner consistent with the applicable comprehensive plan and cooperative agreement, the public use of public land which is the subject of any conservation and rehabilitation program implemented by him under this subchapter.

§ 670i. Public land management area stamps; agreement between State agencies and Secretary of the Interior and Secretary of Agriculture requiring stamps for hunting, trapping, and fishing on public lands subject to programs; conditions of agreement.

(a) Any State agency may agree with the Secretary of the Interior and the Secretary of Agriculture (or with the Secretary of the Interior or the Secretary of Agriculture, as the case may be, if within the State concerned all conservation and rehabilitation programs under this subchapter will be implemented by him) that no individual will be permitted to hunt, trap, or fish on any public land within the State which is subject to a conservation and rehabilitation program implemented under this subchapter unless at the time such individual is engaged in such activity he has on his person a valid public land management area stamp issued pursuant to this section.

(b) Any agreement made pursuant to subsection (a) of this section to require the issuance of public land management area stamps shall be subject to the following conditions:

(1) Such stamps shall be issued, sold, and the fees therefor collected, by the State agency or by the authorized agents of such agency.

(2) Notice of the requirement to possess such stamps shall be displayed prominently in all places where State hunting, trapping, or fishing licenses are sold. To the maximum extent practicable, the sale of such stamps shall be combined with the sale of such State hunting, trapping, and fishing licenses.

(3) Except for expenses incurred in the printing, issuing, or selling of such stamps, the fees collected for such stamps by the State agency shall be utilized in carrying out conservation and rehabilitation programs implemented under this subchapter in the State concerned and for no other purpose. If such programs are implemented by both the Secre-

tary of the Interior and the Secretary of Agriculture in the State, the Secretaries shall mutually agree, on such basis as they deem reasonable, on the proportion of such fees that shall be applied by the State agency to their respective programs.

(4) The purchase of any such stamp shall entitle the purchaser thereof to hunt, trap, and fish on any public land within such State which is the subject of a conservation or rehabilitation program implemented under this subchapter except to the extent that the public use of such land is limited pursuant to a comprehensive plan or cooperative agreement; but the purchase of any such stamp shall not be construed as (A) eliminating the requirement for the purchase of a migratory bird hunting stamp as set forth in section 718a of this title, or (B) relieving the purchaser from compliance with any applicable State game and fish laws and regulations.

(5) The amount of the fee to be charged for such stamps, the age at which the individual is required to acquire such a stamp, and the expiration date for such stamps shall be mutually agreed upon by the State agency and the Secretary or Secretaries concerned; except that each such stamp shall be void not later than one year after the date of issuance.

(6) Each such stamp must be validated by the purchaser thereof by signing his name across the face of the stamp.

(7) Any individual to whom a stamp is sold pursuant to this section shall upon request exhibit such stamp for inspection to any officer or employee of the Department of the Interior or the Department of Agriculture, or to any other person who is authorized to enforce section 670j(a) of this title.

§ 670j. Enforcement provisions.

(a) Violations and penalties

(1) Any person who hunts, traps, or fishes on any public land which is subject to a conservation and rehabilitation program implemented under this subchapter without having on his person a valid public land management area stamp, if the possession of such a stamp is required, shall be fined not more than \$1,000, or imprisoned for not more than six months, or both.

(2) Any person who knowingly violates or fails to comply with any regulations prescribed under section 670h(c)(5) of this title shall be fined not more than \$500, or imprisoned not more than six months, or both.

(b) Designation of enforcement personnel powers; issuance of arrest warrants; trial and sentencing by United States magistrates

(1) For the purpose of enforcing subsection (a) of this section, the Secretary of the Interior and the Secretary of Agriculture may designate any employee of their respective departments, and any State officer or employee authorized under a cooperative agreement to enforce subsection (a) of this section to (i) carry firearms; (ii) execute and serve any warrant or other process issued by a court or officer of competent jurisdiction; (iii) make arrests without warrant or process for a misdemeanor he has reasonable grounds to believe is being committed in his presence or view; (iv) search without warrant or process any person, place, or conveyance as provided by law; and (v) seize without warrant or process any evidentiary item as provided by law.

(2) Upon the sworn information by a competent person, any United States magistrate or court of competent jurisdiction may issue process for the arrest of any person charged with committing any offense under subsection (a) of this section.

(3) Any person charged with committing any offense under subsection (a) of this section may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401 of title 18.

(c) Seizure and forfeiture of equipment and vessels

All guns, traps, nets and other equipment, vessels, vehicles, and other means of transportation used by any person when engaged in committing an offense under subsection (a) of this section shall be subject to forfeiture to the United States and may be seized and held pending the prosecution of any person arrested for committing such offense. Upon conviction for such offense, such forfeiture may be adjudicated as a penalty in addition to any other provided for committing such offense.

(d) Applicability of customs laws to seizures and forfeitures; exceptions

All provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures, shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this section, insofar as such provisions of law are applicable and not inconsistent with the provisions of this section; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the De-

partment of the Treasury shall, for the purposes of this section, be exercised or performed by the Secretary of the Interior or the Secretary of Agriculture, as the case may be, or by such persons as he may designate.

§ 670k. Definitions.

As used in this subchapter—

(1) The term "Administrator" means the Administrator of the National Aeronautics and Space Administration.

(2) The term "Chairman" means the Chairman of the Atomic Energy Commission.

(3) The term "off-road vehicle" means any motorized vehicle designed for, or capable of, cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; but such term does not include—

(A) any registered motor boat at the option of each State;

(B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes; and

(C) any vehicle the use of which is expressly authorized by the Secretary of the Interior or the Secretary of Agriculture under a permit, lease, license, or contract.

(4) The term "public land" means all lands, under the respective jurisdiction of the Secretary of the Interior, the Secretary of Agriculture, the Chairman, and the Administrator, except land which is, or hereafter may be, within or designated as—

(A) a military reservation;

(B) a unit of the National Park System;

(C) an area within the national wildlife refuge system;

(D) an Indian reservation; or

(E) an area within an Indian reservation or land held in trust by the United States for an Indian or Indian tribe.

(5) The term "State agency" means the agency or agencies of a State responsible for the administration of the fish and game laws of the State.

(6) The term "conservation and rehabilitation programs" means to utilize those methods and procedures which are necessary to protect, conserve, and enhance wildlife, fish, and game resources to the maximum extent practicable on public lands subject to this subchapter consistent with any overall land use and management plans for the lands involved. Such methods and procedures shall include, but shall not be limited to, all activities associated with scientific resources management such as protection, research, census, law enforcement,

habitat management, propagation, live trapping and transplantation, and regulated taking in conformance with the provisions of this subchapter. Nothing in this term shall be construed as diminishing the authority or jurisdiction of the States with respect to the management of resident species of fish, wildlife, or game, except as otherwise provided by law.

§ 670l. Applicability to Forest Service and Bureau of Land Management land of public land management area stamp requirements; authorized fees.

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§ 670m. Indian rights unaffected; State or Federal jurisdiction regulating Indian rights preserved.

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§ 670n. Omitted.

§ 670o. Authorization of appropriations—Functions and responsibilities of Secretary of Interior.

(a) There are authorized to be appropriated the sum of \$10,000,000 for each of the fiscal years 1983, 1984, and 1985, to enable the Secretary of the Interior to carry out his functions and responsibilities under this subchapter, including data collection, research, planning, and conservation and rehabilitation programs on public lands. Such funds shall be in addition to those authorized for wildlife, range, soil, and water management pursuant to section 1748 of Title 43 or other provisions of law.

FUNCTIONS AND RESPONSIBILITIES OF SECRETARY OF AGRICULTURE

(b) There are authorized to be appropriated the sum of \$12,000,000 for each of the fiscal years 1983, 1984, and 1985, to enable the Secretary of Agriculture to carry out his functions and responsibilities under this subchapter. Such funds shall be in addition to those provided under other provisions of law. In requesting funds under this subsection the Secretary shall take into account fish and wildlife program needs, including those for projects, identified in the State comprehensive plans as contained in the program developed pursuant to the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended.

USE OF OTHER CONSERVATION OR REHABILITATION AUTHORITIES

(c) The Secretary of the Interior and the Secretary of Agriculture may each use any authority available to

him under other laws relating to fish, wildlife, or plant conservation or rehabilitation for purposes of carrying out the provisions of this subchapter.

CONTRACT AUTHORITY RESPECTING PROPERTY, SERVICES OR ASSISTANCE AFFECTING STATE AGENCIES; APPROPRIATIONS REQUIREMENT

(d) The Secretary of the Interior and the Secretary of Agriculture may each make purchases and contracts for property and services from, or provide assistance to, the State agencies concerned, if such property, services or assistance is required to implement those projects and programs carried out on, or of benefit to, Federal lands and identified in the comprehensive plans or cooperative agreements developed under section 670h of this title, without regard to title III (other than section 304) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251-260). Contract authority provided in this section is effective only to such extent or in such amounts as are provided in appropriation Acts.

(6) Authority to Detail Personnel and Loan Equipment to the Department of Interior (16 U.S.C. 743a)

§ 743a. Detail of personnel and loan of equipment to Director of the Bureau of Sport Fisheries and Wildlife.

(a) "Agency" defined

As used in this section, the term "agency" means the department in which the Coast Guard is operating, the Department of the Army, the Department of the Navy, the Department of the Air Force, the Atomic Energy Commission, and the National Aeronautics and Space Administration.

(b) Personnel and equipment available

The chief executive officer of each agency may from time to time—

(i) detail from the agency for duty under the Director of the Bureau of Sport Fisheries and Wildlife, Department of the Interior, such commissioned and enlisted personnel and civilian employees as may be spared for such duty; and

(ii) consonant with the operational needs of the agency, loan equipment of the agency to the Director.

(c) Reports to Congress

The Director of the United States Fish and Wildlife Service shall make a report to Congress at the end any fiscal year that the provisions of this section are utilized, which describes the use of the provisions of this section, and the additional cost, if any, to the Federal

Government resulting therefrom. Such report shall be referred in the Senate to the Committee on Commerce and in the House of Representatives to the Committee on Merchant Marine and Fisheries.⁴⁹

(7) Provisions of the Communications Satellite Act of 1962 relating to NASA (47 U.S.C. 721(b))

(b) The National Aeronautics and Space Administration shall—

(1) advise the Commission (Federal Communications Commission) on technical characteristics of the communications satellite system;

(2) cooperate with the corporation in research and development to the extent deemed appropriate by the Administration in the public interest;

(3) assist the corporation in the conduct of its research and development program by furnishing to the corporation, when requested, on a reimbursable basis, such satellite launching and associated services as the Administration deems necessary for the most expeditious and economical development of the communications satellite system;

(4) consult with the corporation with respect to the technical characteristics of the communications satellite system;

(5) furnish to the corporation, on request and on a reimbursable basis, satellite launching and associated services required for the establishment, operation, and maintenance of the communications satellite system approved by the Commission; and

(6) to the extent feasible, furnish other services, on a reimbursable basis, to the corporation in connection with the establishment and operation of the system.

(8) Establishment of the National Air and Space Museum (20 U.S.C. 77 et seq.)

"§ 77. National Air and Space Museum; establishment; board; administration; officers and employees.

(a) There is hereby established under the Smithsonian Institution a bureau to be known as a National Air and Space Museum, which shall be administered by the Smithsonian Institution with the advice of a board to be composed of the Chief of Staff of the Air Force, or his designee, the Chief of Naval Operations, or his designee, the Chief of Staff of the Army, or his designee, the Commandant of the Marine Corps, or his designee, the Commandant of the Coast Guard, or his designee, the Administrator of the National Aeronautics and Space

⁴⁹ As amended by the "Congressional Reports Elimination Act of 1980," Public Law 96-470, Oct. 19, 1980, section 206(a), (94 Stat. 2244).

Administration, or his designee, the Administrator of the Federal Aviation Agency, or his designee, the Secretary of the Smithsonian Institution, and three citizens of the United States appointed by the President from civilian life who shall serve at the pleasure of the President. The members of the board shall serve as such members without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the board.

(b) The Secretary of the Smithsonian Institution, with the advice of the board, may appoint and fix the compensation and duties of the head of a national air and space museum whose appointment shall not be subject to the civil service laws. (Aug. 12, 1946, 60 Stat. 997; July 19, 1966, P.L. 89-509, 80 Stat. 310.)

§ 77a. Functions of museum.

The national air and space museum shall memorialize the national development of aviation and space flight; collect, preserve, and display aeronautical and space flight equipment of historical interest and significance; serve as a repository for scientific equipment and data pertaining to the development of aviation and space flight; and provide educational material for the historical study of aviation and space flight. (Aug. 12, 1946, 60 Stat. 998; July 19, 1966, P.L. 89-509, 80 Stat. 310.)

§ 77b. Repealed. Public Law 89-509, July 19, 1966, 80 Stat. 310.⁵⁰

§ 77c. Museum board; seal; regulations; vacancies; reports of operation.

(a) The board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations as it deems necessary for the administration of its functions. The board may function notwithstanding vacancies and six members of the board shall constitute a quorum for transaction of business.

(b) The Smithsonian Institution shall include in its annual report of its operations to Congress a statement of the operations of the national air and space museum, including all public and private moneys received and disbursed. (Aug. 12, 1946, 60 Stat. 998; July 19, 1966, P.L. 89-509, 80 Stat. 310, 311.)

⁵⁰ This section directed the Secretary of the Smithsonian Institution to investigate and survey suitable lands for selection as the site for the National Air and Space Museum.

§ 77d. Transfer or loan of aeronautical or space flight equipment to museum.

The heads of executive departments and independent agencies of the Government are authorized to transfer or loan to the national air and space museum without charge therefor, aircraft, spacecraft, aircraft and spacecraft parts, instruments, engines, or other aeronautical and space flight equipment or records for exhibition, historical, or education purposes. (Aug. 12, 1946, 60 Stat. 998; July 19, 1966, P.L. 89-509, 80 Stat. 311.)

(9) Recovery of Fair Value for DOD Payloads Flown on Space Shuttle (42 U.S.C. 2464)

RECOVERY OF FAIR VALUE OF PLACING DEPARTMENT OF DEFENSE PAYLOADS IN ORBIT WITH SPACE SHUTTLE

Notwithstanding any other provision of law, or any interagency agreement, the Administrator of the National Aeronautics and Space Administration shall charge such prices as necessary to recover the fair value of placing Department of Defense payloads into orbit by means of the Space Shuttle.⁵¹

SECTION VIII. ENERGY

(1) Solar Heating and Cooling Demonstration Act of 1974 (P.L. 93-409, Sept. 3, 1974, 88 Stat. 1069, 42 U.S.C. 5501)

This Act established a detailed solar heating and cooling demonstration program to be run by the Secretary and Housing and Urban Development and NASA. The Act included the following "Transfer of Functions" section:

42 USC 5516.

"SEC. 18. Within sixty days after the effective date of the law creating the Energy Research and Development Administration or any other law creating a permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States (or within sixty days after the enactment of this Act if the effective date of such law occurs prior to the enactment of this Act), the energy research and development functions vested in the National Aeronautics and Space Administration and the National Science Foundation under this Act and any funds which may have been appropriated pursuant to section 19 of this Act, to the extent necessary or appropriate, may, in accordance with regulations prescribed by the Office of Management and Budget, be transferred to and vested

⁵¹ Enacted as section 106(a) of the "National Aeronautics and Space Administration Authorization Act, 1983, "Public Law 97-324, Oct. 15, 1982 (96 Stat. 1600). Section 106(b) provided that this section would apply to all DOD payloads put into orbit by the shuttle on or after Oct. 1, 1983.

in the Energy Research and Development Administration or such other organization or agency.”⁵²

Programs under this Act were directed to be incorporated into the programs of the Energy Research and Development Administration (ERDA) by the Federal Nonnuclear Energy Research and Development Act of 1974 (P.L. 93-577). By Determination Order dated Jan. 17, 1975, the Director, OMB transferred all the energy R&D functions vested in NASA by this Act, to the extent such functions had not already been transferred to ERDA by the Energy Reorganization Act of 1974 (P.L. 93-438, 88 Stat. 1233) to ERDA. The functions of ERDA were transferred to the Department of Energy by the Department of Energy Organization Act (P.L. 95-91, 91 Stat. 565) effective Oct. 1, 1977 (E.O. 12009 dated Sept. 13, 1977).

(2) Solar Photovoltaic Energy Research Development and Demonstration Act of 1978 (P.L. 95-590, Nov. 4, 1978, 92 Stat. 2513)

This Act, found at 42 U.S.C. 5581, provided for a ten year program of research, development, and demonstration of solar photovoltaic energy technologies leading to early competitive commercial applicability of such technologies to be carried out by the Department of Energy, with the support of the National Aeronautics and Space Administration, the National Bureau of Standards, the General Services Administration, and other Federal agencies.

(3) Geothermal Energy Research, Development, and Demonstration Act of 1974 (P.L. 93-410, Sept. 3, 1974; as amended by the Department of Energy Act of 1978—Civilian Applications (P.L. 95-268, Feb. 25, 1978)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the “Geothermal Energy Research, Development, and Demonstration Act of 1974”.

Geothermal
Energy
Research,
Development,
and
Demonstration
Act of 1974. 30
USC 1101 note.

FINDINGS

* * * * *

DEFINITIONS

SEC. 3. For the purposes of this Act—

30 USC 1102.

⁵² Enacted as section 125 of the “Supplemental Appropriations Act, 1983,” Public Law 97-377, Dec. 21 1982 (96 Stat. 1913).

(1) the term "geothermal resources" means (A) all products of geothermal processes, embracing indigenous steam, hot water, and brines, (B) steam and other gases, hot water and hot brines, resulting from water, gas, or other fluids artificially introduced into geothermal formations, and (C) any by-product derived from them;

(2) the term "byproduct" means any mineral or minerals which are found in solution or in association with geothermal resources and which have a value of less than 75 percent of the value of the geothermal steam and associated geothermal resources or are not, because of quantity, quality, or technical difficulties in extraction and production, of sufficient value to warrant extraction and production by themselves;

(3) "pilot plant" means an experimental unit of small size used for early evaluation and development of new or improved processes and to obtain technical, engineering, and cost data;

(4) "demonstration plant" means a complete facility which produces electricity, heat energy, or useful byproducts for commercial disposal from geothermal resources and which will make a significant contribution to the knowledge of full-size technology, plant operation, and process economics;

(5) the term "Project" means the Geothermal Energy Coordination and Management Project established by section 101(a);

(6) the term "fund" means the Geothermal Resources Development Fund established by section 204(a); and

(7) the term "Chairman" means the Chairman of the Project.

TITLE I—GEOTHERMAL ENERGY COORDINATION AND MANAGEMENT PROJECT

ESTABLISHMENT

30 USC 1121.

SEC. 101. (a) There is hereby established the Coordination and Management Project.

Membership. 88
Stat. 1080; 88
Stat. 1081.

(b)(1) The Project shall be composed of six members as follows:

- (A) one appointed by the President;
- (B) an Assistant Director of the National Science Foundation;
- (C) an Assistant Secretary of the Department of the Interior;
- (D) an Associate Administrator of the National Aeronautics and Space Administration;
- (E) the Assistant Administrator of the Energy Research and Development Administration for Solar, Geothermal, and Advanced Energy Systems;

(F) an Assistant Administrator of the Federal Energy Administration;

(G) an Assistant Administrator of the Environmental Protection Agency;

(H) an Assistant Secretary of Treasury; and

(I) an Assistant Secretary of Agriculture.

(2) The President shall designate the Assistant Administrator of the Energy Research and Development Administration for Solar, Geothermal, and Advanced Energy Systems to serve as Chairman of the Project.

(3) If the individual appointed under paragraph (1)(A) is an officer or employee of the Federal Government, he shall receive no additional pay on account of his service as a member of the Project. If such individual is not an officer or employee of the Federal Government, he shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for level IV of the Executive Schedule (5 U.S.C. 5315) for each day (including travel-time) during which he is engaged in the actual performance of duties vested in the Project.

Compensation.

80 Stat. 461; 83 Stat. 863.

(c) The Project shall have overall responsibility for the provision of effective management and coordination with respect to a national geothermal energy research, development, and demonstration program. Such program shall include—

(1) the determination and evaluation of the resource base;

(2) research and development with respect to exploration, extraction, and utilization technologies;

(3) the demonstration of appropriate technologies; and

(4) the loan guaranty program under title II.

(d)(1) The Project shall carry out its responsibilities under this section acting through the following Federal agencies:

(A) the Department of the Interior, the responsibilities of which shall include evaluation and assessment of the resource base, including development of exploration technologies;

(B) the National Aeronautics and Space Administration, the responsibilities of which shall include the provision of contract management capability, evaluation and assessment of the resource base, and the development of technologies pursuant to section 102(b);

(C) the Atomic Energy Commission, the responsibilities of which shall include the development of technologies; and

(D) the National Science Foundation, the responsibilities of which shall include basic and applied research.

(2) Upon request of the Project, the head of any such agency is authorized to detail or assign, on a reimbursable basis or otherwise, any of the personnel of such

agency to the Project to assist it in carrying out its responsibilities under this act.

(e) The Project shall have exclusive authority with respect to the establishment or approval of programs or projects initiated under this Act, except that the agency involved in any particular program or project shall be responsible for the operation and administration of such program or project.

PROGRAM DEFINITION

30 USC 1122

SEC. 102. (a)(1) The Chairman, acting through the Administrator of the National Aeronautics and Space Administration, is authorized and directed to prepare a comprehensive program definition of an integrated effort and commitment for effectively developing geothermal energy resources. Such Administrator, in preparing such comprehensive program definition, is authorized to consult with other Federal agencies and non-Federal entities.

Transmittal to
President and
Congress.
Interim reports.

(2) The Chairman shall transmit such comprehensive program definition to the President and to each House of the Congress. Interim reports shall be transmitted as soon as possible thereafter, but in any case not later than August 31, 1975.

Inventory
schedule and
objectives,
transmittal to
President and
Congress.

(3) As part of the comprehensive program definition required by paragraph (1), the Chairman, acting through the Geological Survey, shall transmit to the President and to each House of the Congress a schedule and objectives for the inventorying of geothermal resources.

(b) The National Aeronautics and Space Administration is authorized to undertake and carry out those programs assigned to it by the Project.

RESOURCE INVENTORY AND ASSESSMENT PROGRAM

30 USC 1123

SEC. 103. (a) The Chairman shall initiate a resource inventory and assessment program with the objective of making regional and national appraisals of all types of geothermal resources, including identification of promising target areas for industrial exploration and development. The specific goals shall include—

(1) the improvement of geophysical, geochemical, geological, and hydrological techniques necessary for locating and evaluating geothermal resources;

(2) the development of better methods for predicting the power potential and longevity of geothermal reservoirs;

(3) the determination and assessment of the nature and power potential of the deeper unexplored parts of high temperature geothermal convection systems; and

(4) the survey and assessment of regional and national geothermal resources of all types.

(b) The Chairman, acting through the Geological Survey and other appropriate agencies, shall—

(1) develop and carry out a general plan for the orderly inventorying of all forms of geothermal resources of the Federal lands and, where consistent with property rights and determined by the Chairman to be in the national interest, of non-Federal lands;

(2) conduct regional surveys, based upon such a general plan, using innovative geological, geophysical, geochemical, and stratigraphic drilling techniques, which will lead to a national inventory of geothermal resources in the United States;

(3) publish and make available maps, reports, and other documents developed from such surveys to encourage and facilitate the commercial development of geothermal resources for beneficial use and consistent with the national interest;

(4) make such recommendations for legislation or administrative regulations as may from time to time appear to be necessary to make Federal leasing, environmental and taxing policy for geothermal resources consistent with known inventories of various resource types, with the current state of technologies for geothermal energy development, and with current evaluations of the environmental impacts of such development; and

(5) participate with appropriate Federal agencies and non-Federal entities in research to develop, improve, and test technologies for the discovery and evaluation of all forms of geothermal resources, and conduct research into the principles controlling the location, occurrence, size, temperature, energy content, producibility, and economic lifetimes of geothermal reservoirs.

SEC. 104. (a) The Chairman, acting through the appropriate Federal agencies and in cooperation with non-Federal entities, shall initiate a research and development program for the purpose of resolving all major technical problems inhibiting the fullest possible commercial utilization of geothermal resources in the United States. The specific goals of such programs shall include—

30 USC 1124.

* * * * *

DEMONSTRATION

SEC. 105. (a) The Chairman, acting through the appropriate Federal agencies and in cooperation with non-Federal entities, shall initiate a program to design and construct geothermal demonstration plants. The specific goals of such program shall include—

30 USC 1125.

* * * * *

SCIENTIFIC AND TECHNICAL EDUCATION

30 USC 1126. SEC. 106. * * *

TITLE II—LOAN GUARANTIES

ESTABLISHMENT OF LOAN GUARANTY PROGRAM

30 USC 1141. SEC. 201. * * *

DEFAULT; PAYMENT OF INTEREST

30 USC 1142. SEC. 202. * * *

PERIOD OF GUARANTIES AND INTEREST ASSISTANCE

30 USC 1143. SEC. 203. * * *

GEOTHERMAL RESOURCES DEVELOPMENT FUND

Establishment.
30 USC 1144. SEC. 204. * * *

COMMUNITY IMPACT ASSISTANCE

30 USC 1145. SEC. 205. * * *

APPROVAL OR DISAPPROVAL OF LOAN GUARANTEE
APPLICATIONS

30 USC 1146. SEC. 206. * * * 53

APPLICATION OF NATIONAL ENVIRONMENTAL POLICY ACT

30 USC 1147. SEC. 207. * * * 53

TITLE III—GENERAL PROVISIONS

PROTECTION OF ENVIRONMENT

30 USC 1161. SEC. 301. * * *

REPORTING REQUIREMENTS

30 USC 1162. SEC. 302. * * *

TRANSFER OF FUNCTIONS

30 USC 1163. SEC. 303. (a) Within sixty days after the effective date of the law creating a permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States (or within sixty days after the date of the enactment of this Act if the effective date of such law occurs prior to the date of the enactment of this Act), all of the research, development, and demonstration functions (including the loan guaranty program) vested in the Project under this Act, along with related records, documents, personnel obligations, and other items to the extent necessary

⁵³ The "Energy Security Act," Public Law 96-294, June 30, 1980, section 641(3) (94 Stat. 769), added sections 206 and 207.

or appropriate, shall, in accordance with regulations prescribed by the Office of Management and Budget be transferred to and vested in such organization or agency.

(b) Upon the establishment of a permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States, and when all research and development (and other) functions of the Project are transferred, the members of the Project may provide advice and counsel to the head of such organization or agency, in accordance with arrangements made at that time.⁵⁴

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 304. (a) For the fiscal years ending June 30, 1976, and September 30, 1977, 1978, 1979, and 1980, only such sums may be appropriated as the Congress may hereafter authorize by law.

(b) There are authorized to be appropriated to the National Aeronautics and Space Administration not to exceed \$2,500,000 for the fiscal year ending June 30, 1975, for the purpose of preparing the program definition under section 102(a). 30 USC 1164.

(c) In addition to sums authorized to be appropriated by subsection (b), there are authorized to be appropriated to the fund not to exceed \$50,000,000 annually, such sums to carry out the provisions of the loan guaranty program by the Project under title II. (Approved September 3, 1974.)

(4) *Solar Energy Research, Development and Demonstration Act of 1974 (P.L. 93-473, Oct. 26, 1974, 88 Stat. 1431)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Solar Energy Research, Development, and Demonstration Act of 1974". 42 USC 5551.

DECLARATION OF FINDINGS AND POLICY

42 USC 5551.

* * * * *

DEFINITIONS

SEC. 3. For the purposes of this Act—

42 USC 5552.

(1) the term "solar energy" means energy which has recently originated in the Sun, including direct and indirect solar radiation and intermediate solar

⁵⁴ Programs established by this Act were directed to be incorporated into the programs of the Energy Research and Development Administration (ERDA) by the Federal Nonnuclear Energy Research and Development Act of 1974 (Public Law 93-577). The functions of ERDA were transferred to the Department of Energy by The Department of Energy Organization Act (Public Law 95-91, 91 Stat. 565), effective October 1, 1977 (E.O. 12009 dated September 13, 1977).

energy forms such as wind, sea thermal gradients, products of photosynthetic processes, organic wastes, and others;

(2) the term "byproducts" includes, with respect to any solar energy technology or process, any solar energy products (including energy forms) other than those associated with or constituting the primary product of such technology or process;

(3) the term "insolation" means the rate at which solar energy is received at the surface of the Earth;

(4) the term "Project" means the Solar Energy Coordination and Management Project; and

(5) the term "Chairman" means the Chairman of the Project.

Establishment. SOLAR ENERGY COORDINATION AND MANAGEMENT PROJECT
42 USC 5553.

SEC. 4. (a) There is hereby established the Solar Energy Coordination and Management Project.

(b)(1) The Project shall be composed of six members as follows:

(A) an Assistant Director of the National Science Foundation;

(B) an Assistant Secretary of Housing and Urban Development;

(C) a member of the Federal Power Commission;

(D) an Associate Administrator of the National Aeronautics and Space Administration;

(E) the General Manager of the Atomic Energy Commission; and

(F) a member to be designated by the President.

(2) The President shall designate one member of the Project to serve as Chairman of the Project.

(3) If the individual designated under paragraph (1)(F) is an officer or employee of the Federal Government, he shall receive no additional pay on account of his service as a member of the Project. If such individual is not an officer or employee of the Federal Government, he shall be entitled to receive the daily equivalent of the annual rate of basic pay in effect for level IV of the Executive Schedule (5 U.S.C. 5315) for each day (including travel-time) during which he is engaged in the actual performance of duties vested in the Project.

(c) The Project shall have overall responsibility for the provision of effective management and coordination with respect to a national solar energy research, development, and demonstration program, including—

(1) the determination and evaluation of the resource base, including its temporal and geographic characteristics;

(2) research and development on solar energy technologies; and

(3) the demonstration of appropriate solar energy technologies.

(d)(1) The Project shall carry out its responsibilities under this section in cooperation with the following Federal agencies:

(A) the National Science Foundation, the responsibilities of which shall include research;

(B) the National Aeronautics and Space Administration, the responsibilities of which shall include the provision of management capability and the development of technologies;

(C) the Atomic Energy Commission, the responsibilities of which shall include the development of technologies;

(D) the Department of Housing and Urban Development, the responsibilities of which shall include fostering the utilization of solar energy for the heating and cooling of buildings, pursuant to the Solar Heating and Cooling Demonstration Act of 1974 (P.L. 93-409; 88 Stat. 1069); and

(E) the Federal Power Commission, the responsibilities of which shall include fostering the utilization of solar energy for the generation of electricity and for the production of synthetic fuels.

(2) Upon request of the Chairman, the head of any such agency is authorized to detail or assign, on a reimbursable basis or otherwise, any of the personnel of such agency to the Project to assist it in carrying out its responsibilities under this Act.

42 USC 5501
note.

(e) The Project shall have exclusive authority with respect to the establishment or approval of programs or projects initiated under this Act, but the agency involved in any particular program or project shall be responsible for the operation and administration of such program or project.

(f) The National Aeronautics and Space Administration is authorized to undertake and carry out those programs assigned to it by the Project.

RESOURCE DETERMINATION AND ASSESSMENT

SEC. 5. (a) The Chairman shall initiate a solar energy resource determination and assessment program with the objective of making a regional and national appraisal of all solar energy resources, including data on insolation, wind, sea thermal gradients, and potentials for photosynthetic conversion. The programs shall emphasize identification of promising areas for commercial exploitation and development. The specific goals shall include—

42 USC 5554.

(1) the development of better methods for predicting the availability of all solar energy resources, over long periods and by geographic location;

(2) the development of advanced meteorological, oceanographic, and other instruments, methodology, and procedures necessary to measure the qual-

ity and quantity of all solar resources on periodic bases;

(3) the development of activities, arrangements, and procedures for the collection, evaluation, and dissemination of information and data relating to solar energy resource assessment.

(b) The Chairman, acting through the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, and other appropriate agencies, shall—

(1) develop and carry out a general plan for inventorying all forms of solar energy resources associated with Federal lands and (where consistent with property rights) non-Federal lands;

(2) conduct regional surveys based upon such general plan, using innovative meteorological, oceanographic, and space-related techniques, in sufficient numbers to lead to a national inventory of solar energy resources in the United States;

(3) publish and make available maps, reports, and other documents developed from such surveys to encourage and facilitate the commercial development of solar energy resources; and

(4) make such recommendations for legislation as may appear to be necessary to establish policies for solar resources involving Federal lands and waters, consistent with known inventories of various resources types, with the state of technologies for solar energy development, and with evaluation of the environmental impacts of such development.

Solar energy
resources
inventory plan.

Maps and
reports,
publication.

42 USC 5555.

RESEARCH AND DEVELOPMENT

* * * * *

42 USC 5556.

DEMONSTRATION

* * * * *

SOLAR ENERGY TECHNOLOGY UTILIZATION

Solar Energy
Information
Data Bank. 42
USC 5557.

SEC. 8. (a)(1) In carrying out his functions under this Act the Chairman, utilizing the capabilities of the National Science Foundation, the National Aeronautics and Space Administration, the Department of Commerce, the Atomic Energy Commission, and other appropriate Federal agencies to the maximum extent possible, shall establish and operate a Solar Energy Information Data Bank (hereinafter in this subsection referred to as the "bank") for the purpose of collecting, reviewing, processing, and disseminating information and data in all of the solar energy technologies referred to in section 7(c) in a timely and accurate manner in support of the objectives of this Act.

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SCIENTIFIC AND TECHNOLOGICAL EDUCATION

42 USC 5558.

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SOLAR ENERGY RESEARCH INSTITUTE

42 USC 5559.

* * * * *

INTERNATIONAL COOPERATION

42 USC 5560.

* * * * *

REGULATIONS

42 USC 5561.

* * * * *

ANNUAL REPORTS

SEC. 13. A summary of all actions taken under the provisions of this Act and action planned for the ensuing year shall be included in the annual report required by section 657 of the Department of Energy Organization Act.⁵⁵ 42 USC 5562.

INFORMATION TO CONGRESS

42 USC 5563.

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COMPREHENSIVE PROGRAM DEFINITION

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TRANSFER OF FUNCTIONS

SEC. 16. Within sixty days after the effective date of the law creating a permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States (or within sixty days after the date of the enactment of this Act if the effective date of such law occurs prior to the date of the enactment of this Act), all of the authorities of the Project and all of the research and development functions (and other functions except those related to scientific and technical education) vested in Federal agencies under this Act along with related records, documents, personnel, obligations, and other items, to the extent necessary or appropriate, shall, in accordance with regulations prescribed by the Office of Management and Budget, be transferred to and vested in such organization or agency.⁵⁶ 42 USC 5565.

⁵⁵ The "Congressional Reports Elimination Act of 1980," Public Law 96-470, Oct. 19, 1980, section 203(c), (94 Stat. 2240), substituted this provision for the original provision requiring the Chairman to report annually to the President and Congress on all action taken, action planned, and a projection, to the extent practical, of activities and funding requirements for the ensuing 5 years.

⁵⁶ See footnote 54, *supra*.

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(5) Electric Hybrid Vehicle Research, Development, and Demonstration Act of 1976

(P.L. 94-413, Sept. 17, 1976, 90 Stat. 1260; as amended by the Department of Energy Act of 1978—Civilian Applications, P.L. 95-238, Feb. 25, 1978)

This law, codified at 15 U.S.C. 2501, established an electric and hybrid vehicle research and development program, originally at the Energy Research and Development Administration (ERDA) which was transferred to the Department of Energy when it was established by the "Department of Energy Organization Act," P.L. 95-91, Aug. 4, 1977, sections 301 and 703 (91 Stat. 577, 606)

This law also amended the Space Act (see section 203 (b)(1)).

(6) National Science Foundation—Study feasibility of transmitting solar energy

The "National Science Foundation Authorization Act, 1979" (P.L. 95-434, Oct. 10, 1978, 92 Stat. 1050), stated:

Feasibility
Study. 42 USC
1864 note.

SEC. 8. (a) The Director of the National Science Foundation, in consultation with the Director of the Office of Science and Technology Policy, the Secretary of Energy; the Administrator of the National Aeronautics and Space Administration, and technical experts in public agencies, private organizations, and academic institutions, is authorized to determine the need to provide support under this Act for a study of the feasibility of transmitting solar energy to Earth by using orbital structures manufactured from lunar or asteroidal materials, and the impact of such a feasibility study, if any, on existing National Science Foundation programs.

(b)(1) If the Foundation determines that such a feasibility study is necessary, the Foundation is authorized to conduct such a study directly or by grants or contracts with public agencies, private organizations, or academic institutions.

(2) At the conclusion of any such study the Foundation shall prepare and submit to the President and to the Congress a report of the study, together with such recommendations as the Foundation deems appropriate.

(3) Of the funds authorized in section 2, \$500,000 shall be available to carry out the provisions of this subsection.

(7) Wind Energy Systems Act of 1980

This law, P.L. 96-345, Sept. 8, 1980 (94 Stat. 1139), found at 42 U.S.C. 9201, established within the Department of Energy a comprehensive program for research, development, demonstration and technology application

activities including a five-year program for small wind energy systems, an eight-year program for large wind energy systems, and a three year program for wind resource assessment. Under section 4(a)(3) the Secretary of Energy was directed to consult with NASA, Interior and other federal agencies as he deemed appropriate.

(8) Ocean Thermal Energy Conversion Research, Development and Demonstration Act

This Act, P.L. 96-310, July 17, 1980 (94 Stat. 941), found at 42 U.S.C. 9001, directed the Secretary of Energy to prepare a comprehensive program management plan for the conduct of research, development and demonstration activities in ocean thermal technologies. It provided for the Secretary to consult with NASA (among other federal agencies) when preparing a technology application and market development plan to permit realization of the ten-thousand mega-watt national goal by the year 1990 (see section 6(a), 42 U.S.C. 9005).

SECTION IX. CLIMATE AND APPLICATIONS

- (1) "Earthquake Hazards Reduction Act of 1977," 42 U.S.C. 7701 (P.L. 95-124, October 7, 1977 (91 Stat. 1098) as amended by P.L. 96-472, October 19, 1980 (94 Stat. 2257) and P.L. 97-80, November 20, 1981 (95 Stat. 1081))*

§ 7701. Congressional findings.

42 USC 7701.

The Congress finds and declares the following:

(1) All 50 States are vulnerable to the hazards of earthquakes, and at least 39 of them are subject to major or moderate seismic risk, including Alaska, California, Hawaii, Illinois, Massachusetts, Missouri, Montana, Nevada, New Jersey, New York, South Carolina, Utah, and Washington. A large portion of the population of the United States lives in areas vulnerable to earthquake hazards.

(2) Earthquakes have caused, and can cause in the future, enormous loss of life, injury, destruction of property, and economic and social disruption. With respect to future earthquakes, such loss, destruction, and disruption can be substantially reduced through the development and implementation of earthquake hazards reduction measures, including (A) improved design and construction methods and practices, (B) land-use controls and redevelopment, (C) prediction techniques and early-warning systems, (D) coordinated emergency preparedness plans, and (E) public education and involvement programs.

(3) An expertly staffed and adequately financed earthquake hazards reduction program, based on

Federal, State, local, and private research, planning, decisionmaking, and contributions would reduce the risk of such loss, destruction, and disruption in seismic areas by an amount far greater than the cost of such program.

(4) A well-funded seismological research program in earthquake prediction could provide data adequate for the design of an operational system that could predict accurately the time, place, magnitude, and physical effects of earthquakes in selected areas of the United States.

(5) An operational earthquake prediction system can produce significant social, economic, legal, and political consequences.

(6) There is a scientific basis for hypothesizing that major earthquakes may be moderated in at least some seismic areas, by application of the findings of earthquake control and seismological research.

(7) The implementation of earthquake hazards reduction measures would, as an added benefit, also reduce the risk of loss, destruction, and disruption from other natural hazards and manmade hazards, including hurricanes, tornadoes, accidents, explosions, landslides, building and structural cave-ins, and fires.

(8) Reduction of loss, destruction, and disruption from earthquakes will depend on the actions of individuals, and organizations in the private sector and governmental units at Federal, State, and local levels. The current capability to transfer knowledge and information to these sectors is insufficient. Improved mechanisms are needed to translate existing information and research findings into reasonable and usable specifications, criteria, and practices so that individuals, organizations, and governmental units may make informed decisions and take appropriate actions.

(9) Severe earthquakes are a worldwide problem. Since damaging earthquakes occur infrequently in any one nation, international cooperation is desirable for mutual learning from limited experiences.

(10) An effective Federal program in earthquake hazards reduction will require input from and review by persons outside the Federal Government expert in the sciences of earthquake hazards reduction and in the practical application of earthquake hazards reduction measures.

§ 7702. Congressional statement of purpose.

It is the purpose of the Congress in this chapter to reduce the risks of life and property from future earthquakes in the United States through the establishment

and maintenance of an effective earthquake hazards reduction program.

§ 7703. Definitions.

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§ 7704. National earthquake hazards reduction program.

(a) *Establishment*

* * * * *

(b) *Duties of President and Director of the Federal Emergency Management Agency*

* * * * *

(c) *Objectives of the program*

* * * * *

(d) *Federal participation*

In assigning the role and responsibility of Federal departments, agencies, and entities under subsection (b)(1)(A) of this section, the President shall, where appropriate, include the United States Geological Survey, the National Science Foundation, the Department of Defense, the Department of Housing and Urban Development, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the Department of Commerce, the Energy Research and Development Administration, the Nuclear Regulatory Commission, and the Federal Emergency Management Agency.

(e) *Research elements*

The research elements of the program shall include—

(1) research into the basic causes and mechanisms of earthquakes;

(2) development of methods to predict the time, place, and magnitude of future earthquakes;

(3) development of an understanding of the circumstances in which earthquakes might be artificially induced by the injection of fluids in deep wells, by the impoundment of reservoirs, or by other means;

(4) evaluation of methods that may lead to the development of a capability to modify or control earthquakes in certain regions;

(5) development of information and guidelines for zoning land in light of seismic risk in all parts of the United States and preparation of seismic risk analyses useful for emergency planning and community preparedness;

(6) development of techniques for the delineation and evaluation of the potential effect of earthquakes, and their application on a regional basis;

(7) development of methods for planning, design, construction, rehabilitation, and utilization of man-made works so as to effectively resist the hazards imposed by earthquakes;

(8) exploration of possible social and economic adjustments that could be made to reduce earthquake vulnerability and to exploit effectively existing and developing earthquake mitigation techniques; and

(9) studies of foreign experience with all aspects of earthquakes.

(f) Mitigation elements

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(g) State assistance

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(h) Non-Federal participation

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(i) Study, report, etc., respecting disaster relief

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§ 7705. Annual report to Congressional committees.

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§ 7706. Authorization of appropriations.

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(2) Provisions of the Clean Air Act Relating to NASA—Ozone Protection, "Clean Air Act Amendments of 1977," P.L. 95-95, Aug. 7, 1977 (91 Stat. 685), 42 U.S.C. 7450 et seq.

OZONE PROTECTION

SEC. 126. Title I of the Clean Air Act is amended by adding at the end thereof the following new part:

"PART B—OZONE PROTECTION

"PURPOSES

42 USC 7450.

"SEC. 150. The purposes of this part are (1) to provide for a better understanding of the effects of human actions on the stratosphere, especially the ozone in the stratosphere, (2) to provide for a better understanding of the effects of changes in the stratosphere, especially the ozone in the stratosphere on the public health and welfare, (3) to provide information on the progress of regulation of activities which may reasonably be antici-

pated to affect the ozone in the stratosphere in such a way as to cause or contribute to endangerment of the public health or welfare, and (4) to provide information on the need for additional legislation in this area, if any.

"FINDINGS AND DEFINITIONS

"SEC. 151. (a) The Congress finds, on the basis of presently available information, that— 42 USC 7451.

"(1) halocarbon compounds introduced into the environment potentially threaten to reduce the concentration of ozone in the stratosphere;

"(2) ozone reduction will lead to increased incidence of solar ultraviolet radiation at the surface of the Earth;

"(3) increased incidence of solar ultraviolet radiation is likely to cause increased rates of disease in humans (including increased rates of skin cancer), threaten food crops, and otherwise damage the natural environment;

"(4) other substances, practices, processes, and activities may affect the ozone in the stratosphere, and should be investigated to give early warning of any potential problem and to develop the basis for possible future regulatory action; and

"(5) there is some authority under existing law, to regulate certain substances, practices, processes, and activities which may affect the ozone in the stratosphere.

"DEFINITIONS

"SEC. 152. For the purposes of this subtitle—

45 USC 7452.

"(1) the term 'halocarbon' means the chemical compounds CFCl_3 and CF_3Cl_2 and such other halogenated compounds as the Administrator determines may reasonably be anticipated to contribute to reductions in the concentration of ozone in the stratosphere;

"(2) the term 'stratosphere' means that part of the atmosphere above the tropopause.

"STUDIES BY ENVIRONMENTAL PROTECTION AGENCY

"SEC. 153. (a) The Administrator shall conduct a study of the cumulative effect of all substances, practices, processes, and activities which may affect the stratosphere, especially ozone in the stratosphere. The study shall include an analysis of the independent effects on the stratosphere especially such ozone in the stratosphere of— 42 USC 7453.

"(1) the release into the ambient air of halocarbons,

"(2) the release into the ambient air of other sources of chlorine,

"(3) the uses of bromine compounds, and

"(4) emissions of aircraft and aircraft propulsion systems employed by operational and experimental aircraft. The study shall also include such physical, chemical, atmospheric, biomedical, or other research and monitoring as may be necessary to ascertain (A) any direct or indirect effects upon the public health and welfare of changes in the stratosphere, especially ozone in the stratosphere, and (B) the probable causes of changes in the stratosphere, especially the ozone in the stratosphere.

"(b) The Administrator shall undertake research on—

"(1) methods to recover and recycle substances which directly or indirectly affect the stratosphere, especially ozone in the stratosphere,

"(2) methods of preventing the escape of such substances,

"(3) safe substitutes for such substances, and

"(4) other methods to regulate substances, practices, processes, and activities which may reasonably be anticipated to affect the stratosphere, especially ozone in the stratosphere.

"(c)(1) The studies and research conducted under this section may be undertaken with such cooperation and assistance from universities and private industry as may be available. Each department, agency, and instrumentality of the United States having the capability to do so is authorized and encouraged to provide assistance to the Administrator in carrying out the requirements of this section, including (notwithstanding any other provision of law) any services which such department, agency, or instrumentality may have the capability to render or obtain by contract with third parties.

"(2) The Administrator shall encourage the cooperation and assistance of other nations in carrying out the studies and research under this section. The Administrator is authorized to cooperate with and support similar research efforts of other nations.

"(d)(1) The Administrator shall undertake to contract with the National Academy of Sciences to study the state of knowledge and the adequacy of research efforts to understand (A) the effects of all substances, practices, processes, and activities which may affect the stratosphere, especially ozone in the stratosphere; (B) the health and welfare effects of modifications of the stratosphere, especially ozone in the stratosphere; and (C) methods of control of such substances, practices, processes, and activities including alternatives, costs, feasibility, and timing. The Academy shall make a report of its funding by January 1, 1978.

"(2) The Administrator shall make available to the Academy such information in the Administrator's pos-

session as is needed for the purposes of the study provided for in this subsection.

"(e) The Secretary of Labor shall study and transmit a report to the Administrator and the Congress not later than six months after date of enactment, with respect to the losses and gains to industry and employment which could result from the elimination of the use of halocarbons in aerosol containers and for other purposes. Such report shall include recommended means of alleviating unemployment or other undesirable economic impact, if any, resulting therefrom.

Report to
Administrator
and Congress.

"(f)(1) The Administrator shall establish and act as Chairman of a Coordinating Committee for the purpose of insuring coordination of the efforts of other Federal agencies carrying out research and studies related to or supportive of the research provided for in subsections (a) and (b) of section 154.

Coordinating
Committee.
Establishment.

"(2) Members of the Coordinating Committee shall include the appropriate official responsible for the relevant research efforts of each of the following agencies:

"(A) the National Oceanic and Atmospheric Administration,

"(B) the National Aeronautics and Space Administration,

"(C) the Federal Aviation Administration,

"(D) the Department of Agriculture,

"(E) the National Cancer Institute,

"(F) the National Institute of Environmental Health Sciences,

"(G) the National Science Foundation, and the appropriate officials responsible for the relevant research efforts of such other agencies carrying out related efforts as the Chairman shall designate. A representative of the Department of State shall sit on the Coordinating Committee to encourage and facilitate international coordination.

"(3) The Coordinating Committee shall review and comment on plans for, and the execution and results of, pertinent research and studies. For this purpose, the agencies named in or designated under paragraph (2) of this subsection shall make appropriate and timely reports to the Coordinating Committee on plans for and the execution and results of such research and studies.

Reports to
Coordinating
Committee.

"(4) The Chairman may request a report from any Federal Agency for the purpose of determining if that agency should sit on the Coordinating Committee.

"(g) Not later than January 1, 1978, and biennially thereafter, the Administrator shall report to the appropriate committees of the House and the Senate, the results of the studies and research conducted under this section and the results of related research and studies conducted by other Federal agencies.

Report to
congressional
committees.

"RESEARCH AND MONITORING BY OTHER AGENCIES

42 USC 7454.

"SEC. 154. (a) The Administrator of the National Oceanic and Atmospheric Administration shall establish a continuing program of research and monitoring of the stratosphere for the purpose of early detection of changes in the stratosphere and climatic effects of such changes. Such Administrator shall on or before January 1, 1978, and biennially thereafter, transmit such report to the Administrator and the Congress on the findings of such research and monitoring. Such report shall contain any appropriate recommendations for legislation or regulation (or both).

Reports to
Administrator
and Congress.

42 USC 2481.

"(b) The National Aeronautics and Space Administration shall, pursuant to its authority under title IV of the National Aeronautics and Space Act of 1958, continue programs of research, technology, and monitoring of the stratosphere for the purpose of understanding the physics and chemistry of the stratosphere and for the early detection of potentially harmful changes in the ozone in the stratosphere. Such Administration shall transmit reports by January 1, 1978, and biennially thereafter to the Administrator and the Congress on the results of the programs authorized in this subsection, together with any appropriate recommendations for legislation (or both).

Reports to
Administrator
and Congress.

"(c) The Director of the National Science Foundation shall encourage and support ongoing stratospheric research programs and continuing research programs that will increase scientific knowledge of the effects of changes in the ozone layer in the stratosphere upon living organisms and ecosystems. Such Director shall transmit reports by January 1, 1978, and biennially thereafter to the Administrator and the Congress on the results of such programs, together with any appropriate recommendations for legislation or regulation (or both).

Reports to
Administrator
and Congress.

"(d) The Secretary of Agriculture shall encourage and support continuing research programs that will increase scientific knowledge of the effects of changes in the ozone in the stratosphere upon animals, crops, and other plant life. Such Secretary shall transmit reports by January 1, 1978, and biennially thereafter to the Administrator and the Congress on the results of such programs together with any appropriate recommendations for legislation or regulation (or both).

Reports to
Administrator
and Congress.

"(e) The Secretary of Health, Education, and Welfare shall encourage and support continuing research programs that will increase scientific knowledge of the effects of changes in the ozone in the stratosphere upon human health. Such Secretary shall transmit reports by January 1, 1978, and biennially thereafter, to the Administrator and the Congress on the results of such pro-

Reports to
Administrator
and Congress.

grams, together with any appropriate recommendations for legislation or regulation (or both).

"(f) In carrying out subsections (a) through (e) of this section, the agencies involved (1) shall enlist and encourage cooperation and assistance from other Federal agencies, universities, and private industry, and (2) shall solicit the views of the Administrator with regard to plans for the research involved so that any such research will, if regulatory action by the Administrator is indicated, provide the preliminary information base for such action.

"PROGRESS OF REGULATION

"SEC. 155. The Administrator shall provide an interim report to the Congress by January 1, 1978, shall provide a final report within two years after date of enactment, and shall provide follow-up reports annually thereafter on the actions taken by the Environmental Protection Agency and all other Federal agencies to regulate sources of halocarbon emissions, the results of such regulations in protecting the ozone layer, and the need for additional regulatory action, if any. The reports under this section shall also include recommendations for the control of substances, practices, processes, and activities other than those involving halocarbons, which are found to affect the ozone in the stratosphere and which may cause or contribute to harmful effects on public health or welfare.

Interim, final,
and annual
reports to
Congress. 42
USC 7455.

"INTERNATIONAL COOPERATION

"SEC. 156. The President shall undertake to enter into international agreements to foster cooperative research which complements studies and research authorized by this part, and to develop standards and regulations which protect the stratosphere consistent with regulations applicable within the United States. For these purposes the President through the Secretary of State and the Assistant Secretary of State for Oceans and International Environmental and Scientific Affairs, shall negotiate multilateral treaties, conventions, resolutions, or other agreements and formulate, present, or support proposals at the United Nations and other appropriate international forums and shall report to the Congress periodically on efforts to arrive at such agreements.

Agreements.
Standards and
regulations. 42
USC 7456.
Report to
Congress.

"REGULATIONS

"SEC. 157. (a) If at any time prior to the submission of the final report referred to in section 155 in the Administrator's judgment, any substance, practice, process, or activity may reasonably be anticipated to affect the stratosphere, especially ozone in the stratosphere, and

Notice to
Congress. 42
USC 7457.

such effect may reasonably be anticipated to endanger public health or welfare, the Administrator shall promptly promulgate regulations respecting the control of such substance, practice, process, or activity, and shall simultaneously submit notice of the promulgation of such regulations to the Congress.

"(b) Upon submission of the final report referred to in section 155, and after consideration of the research and study under sections 153 and 154 and, consultation with appropriate Federal agencies and scientific entities, the Administrator shall propose regulations for the control of any substance, practice, process, or activity (or any combination thereof) which in his judgment may reasonably be anticipated to affect the stratosphere, especially ozone in the stratosphere, if such effect in the stratosphere may reasonably be anticipated to endanger public health or welfare. Such regulations shall take into account the feasibility and the costs of achieving such control. Such regulations may exempt medical use products for which the Administrator determines there is no suitable substitute. Not later than three months after proposal of such regulations the Administrator shall promulgate such regulations in final form. From time to time, and under the same procedures, the Administrator may revise any of the regulations submitted under this subsection.

"OTHER PROVISIONS UNAFFECTED

42 USC 7458.

"SEC. 158. Nothing in this part shall be construed to alter or affect the authority of the Administrator under section 303 (relating to emergency powers), under section 231 (relating to aircraft emission standards), or under any other provision of this Act or to affect the authority of any other department, agency, or instrumentality of the United States under any other provision of law to promulgate or enforce any requirement respecting the control of any substance, practice, process, or activity for purposes of protecting the stratosphere or ozone in the stratosphere. In the case of any proposed rule respecting ozone in the stratosphere which has been published under the Toxic Substances Control Act prior to the date of enactment of this Act notwithstanding section 9(b) of such Act, nothing in this part shall be construed to prohibit or restrict the Administrator from taking any action under the Toxic Substances Control Act respecting the promulgation or enforcement of such rule.

15 USC 2601
note. 15 USC
2608.

"STATE AUTHORITY

42 USC 7459.

"SEC. 159. (a) Nothing in this part shall preclude or deny any State or political subdivision thereof from adopting or enforcing any requirement respecting the control of any substance, practice, process, or activity

for purposes of protecting the stratosphere or ozone in the stratosphere except as otherwise provided in subsection (b).

"(b) If a regulation of any substance, practice, process, or activity is in effect under this part in order to prevent or abate any risk to the stratosphere, or ozone in the stratosphere, no State or political subdivision thereof may adopt or attempt to enforce any requirement respecting the control of any such substance, practice, process, or activity to prevent or abate such risk, unless the requirement of the State or political subdivision is identical to the requirement of such regulation. The preceding sentence shall not apply with respect to any law or regulation of any State or political subdivision controlling the use of halocarbons as propellants in aerosol spray containers."

(3) *The "Noise Control Act of 1972"—Provisions relating to NASA (P.L. 92-574, Oct. 27, 1972, 86 Stat. 1234, 42 U.S.C. 4901, et seq.)*

§ 4901. Congressional findings and statement of policy.

(a) The Congress finds—

42 USC 4901.

(1) that inadequately controlled noise presents a growing danger to the health and welfare of the Nation's population, particularly in urban areas;

(2) that the major sources of noise include transportation vehicles and equipment, machinery, appliances, and other products in commerce; and

(3) that, while primary responsibility for control of noise rests with State and local governments, Federal action is essential to deal with major noise sources in commerce control of which require national uniformity of treatment.

(b) The Congress declares that it is the policy of the United States to promote an environment for all Americans free from noise that jeopardizes their health or welfare. To that end, it is the purpose of this chapter to establish a means for effective coordination of Federal research and activities in noise control, to authorize the establishment of Federal noise emission standards for products distributed in commerce, and to provide information to the public respecting the noise emission and noise reduction characteristics of such products.

§ 4902. Definitions.

For purposes of this chapter:

42 USC 4902.

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "person" means an individual, corporation, partnership, or association, and (except as provided in sections 4910(e) and 4911(a) of this title) includes any officer, employee, department, agency,

or instrumentality of the United States, a State, or any political subdivision of a State.

(3) The term "product" means any manufactured article or goods or component thereof; except that such term does not include—

(A) any aircraft, aircraft engine, propeller, or appliance, as such terms are defined in section 1301 of title 49; or

(B)(i) any military weapons or equipment which are designed for combat use; (ii) any rockets or equipment which are designed for research, experimental, or developmental work to be performed by the National Aeronautics and Space Administration; or (iii) to the extent provided by regulations of the Administrator, any other machinery or equipment designed for use in experimental work done by or for the Federal Government.

(4) The term "ultimate purchaser" means the first person who in good faith purchases a product for purposes other than resale.

(5) The term "new product" means (A) a product the equitable or legal title of which has never been transferred to an ultimate purchaser, or (B) a product which is imported or offered for importation into the United States and which is manufactured after the effective date of a regulation under section 4905 or 4907 of this title which would have been applicable to such product had it been manufactured in the United States.

(6) The term "manufacturer" means any person engaged in the manufacturing or assembling of new products, or the importing of new products for resale, or who acts for, and is controlled by, any such person in connection with the distribution of such products.

(7) The term "commerce" means trade, traffic, commerce, or transportation—

(A) between a place in a State and any place outside thereof, or

(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

(8) The term "distribute in commerce" means sell in, offer for sale in, or introduce or deliver for introduction into, commerce.

(9) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(10) The term "Federal agency" means an executive agency (as defined in section 105 of title 5) and includes the United States Postal Service.

(11) The term "environmental noise" means the intensity, duration, and the character of sounds from all sources.

§ 4903. Federal programs.

(a) Furtherance of congressional policy

42 USC 4903.

The Congress authorizes and directs that Federal agencies shall, to the fullest extent consistent with their authority under Federal laws administered by them, carry out the programs within their control in such a manner as to further the policy declared in section 4901(b) of this title.

(b) Presidential authority to exempt activities or facilities from compliance requirements

Each department, agency, or instrumentality of the executive, legislative, and judicial branches of the Federal Government—

(1) having jurisdiction over any property or facility, or

(2) engaged in any activity resulting, or which may result, in the emission of noise,

shall comply with Federal, State, interstate, and local requirements respecting control and abatement of environmental noise to the same extent that any person is subject to such requirements. The President may exempt any single activity or facility, including noise emission sources or classes thereof, of any department, agency, or instrumentality in the executive branch from compliance with any such requirement if he determines it to be in the paramount interest of the United States to do so; except that no exemption, other than for those products referred to in section 4902(3)(B) of this title, may be granted from the requirements of sections 4905, 4916, and 4917 of this title. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting such exemption.

(c) Coordination of programs of Federal agencies; standards and regulations; status reports

(1) The Administrator shall coordinate the programs of all Federal agencies relating to noise research and noise control. Each Federal agency shall, upon request,

furnish to the Administrator such information as he may reasonably require to determine the nature, scope, and results of the noise-research and noise-control programs of the agency.

(2) Each Federal agency shall consult with the Administrator in prescribing standards or regulations respecting noise. If at any time the Administrator has reason to believe that a standard or regulation, or any proposed standard or regulation, of any Federal agency respecting noise does not protect the public health and welfare to the extent he believes to be required and feasible, he may request such agency to review and report to him on the advisability of revising such standard or regulation to provide such protection. Any such request may be published in the Federal Register and shall be accompanied by a detailed statement of the information on which it is based. Such agency shall complete the requested review and report to the Administrator within such time as the Administrator specifies in the request, but such time specified may not be less than ninety days from the date the request was made. The report shall be published in the Federal Register and shall be accompanied by a detailed statement of the findings and conclusions of the agency respecting the revision of its standard or regulation. With respect to the Federal Aviation Administration, section 1431 of title 49 shall apply in lieu of this paragraph.

(3) On the basis of regular consultation with appropriate Federal agencies, the Administrator shall compile and publish, from time to time, a report on the status and progress of Federal activities relating to noise research and noise control. This report shall describe the noise-control programs of each Federal agency and assess the contributions of those programs to the Federal Government's overall efforts to control noise.

(4) *National Climate Program Act (P.L. 95-367, 92 Stat. 601, Sept. 17, 1978)*

ational
imate
rogram Act. 15
SC 2901 note.
USC 2901.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Climate Program Act".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) Weather and climate change affect food production, energy use, land use, water resources and other factors vital to national security and human welfare.

(2) An ability to anticipate natural and man-induced changes in climate would contribute to the soundness of policy decisions in the public and private sectors.

(3) Significant improvements in the ability to forecast climate on an intermediate and long-term basis are possible.

(4) Information regarding climate is not being fully disseminated or used, and Federal efforts have given insufficient attention to assessing and applying this information.

(5) Climate fluctuation and change occur on a global basis, and deficiencies exist in the system for monitoring global climate changes. International cooperation for the purpose of sharing the benefits and costs of a global effort to understand climate is essential.

(6) The United States lacks a well-defined and coordinated program in climate-related research, monitoring assessment of effects, and information utilization.

SEC. 3. PURPOSE.

15 USC 2902.

It is the purpose of the Congress in this Act to establish a national climate program that will assist the Nation and the world to understand and respond to natural and man-induced climate processes and their implications.

SEC. 4. DEFINITIONS.

15 USC 2903.

As used in this Act, unless the context otherwise requires:

(1) The term "Office" means the National Climate Program Office.

(2) The term "Program" means the National Climate Program.

(3) The term "Secretary" means the Secretary of Commerce.

SEC. 5. NATIONAL CLIMATE PROGRAM.

15 USC 2904.

(a) **ESTABLISHMENT.**—The President shall establish a National Climate Program in accordance with the provisions, findings and purposes of this Act.

(b) **DUTIES.**—The President shall—

(1) promulgate the 5-year plans described in subsection (d)(9);

(2) define the roles in the Program of Federal officers, departments, and agencies, including the Departments of Agriculture, Commerce, Defense, Energy, Interior, State, and Transportation; the Environmental Protection Agency; the National Aeronautics and Space Administration; the Council on Environmental Quality; the National Science Foundation; and the Office of Science and Technology Policy; and

(3) provide for Program coordination.

(c) **NATIONAL CLIMATE PROGRAM OFFICE.**—The Secretary shall establish within the Department of Commerce a National Climate Program Office not later

Establishment.

Administration.

than 30 days after the date of the enactment of this Act. The Office shall be the lead entity responsible for administering the Program. Each Federal officer, employee, department and agency involved in the Program shall cooperate with the Secretary in carrying out the provisions of this Act.

(d) PROGRAM ELEMENTS.—The Program shall include, but not be limited to, the following elements:

(1) assessment of the effect of climate on the natural environment, agricultural production, energy supply and demand, land and water resources, transportation, human health and national security. Such assessments shall be conducted to the maximum extent possible by those Federal agencies having national programs in food, fiber, raw materials, energy, transportation, land and water management, and other such responsibilities, in accordance with existing laws and regulations. Where appropriate such assessments may include recommendations for action;

(2) basic and applied research to improve the understanding of climate processes, natural and man induced, and the social, economic, and political implications of climate change;

(3) methods for improving climate forecasts on a monthly, seasonal, yearly, and longer basis;

(4) global data collection, and monitoring and analysis activities to provide reliable, useful and readily available information on a continuing basis;

(5) systems for the management and active dissemination of climatological data, information and assessments, including mechanisms for consultation with current and potential users;

(6) measures for increasing international cooperation in climate research, monitoring, analysis and data dissemination;

(7) mechanisms for intergovernmental climate-related studies and services including participation by universities, the private sector and others concerned with applied research and advisory services;

(8) experimental climate forecast centers, which shall (A) be responsible for making and routinely updating experimental climate forecasts of a monthly, seasonal, annual, and long nature, based on a variety of experimental techniques; (B) establish procedures to have forecasts reviewed and their accuracy evaluated; and (C) protect against premature reliance on such experimental forecasts; and

(9) a preliminary 5-year plan, to be submitted to the Congress for review and comment, not later than 180 days after the enactment of this Act, and a final 5-year plan to be submitted to the Congress not later than 1 year after the enactment of this

Five-year plan,
submittal to
Congress.

Act, that shall be revised and extended biennially. Each plan shall establish the goals and priorities for the Program, including the intergovernmental program under section 6, over the subsequent 5-year period, and shall contain details regarding (A) the role of Federal agencies in the programs, (B) Federal funding required to enable the Program to achieve such goals, and (C) Program accomplishments that must be achieved to ensure that Program goals are met within the time frame established by the plan.

(e) ADVISORY COMMITTEE AND INTERAGENCY GROUPS.—

(1) The Secretary shall establish and maintain an advisory committee of users and producers of climate data, information and services to advise the Secretary and the Congress on the conduct of the Program. Members of such committee shall not be employed by the Federal Government and may receive compensation at the daily rate for GS-16 of the General Schedule for each day engaged in the actual performance of their duties for the committee and while so serving away from their homes or regular place of business may be allowed travel expenses, including per diem in lieu of subsistence.

Establishment
of advisory
committee.

5 USC 5332
note.

(2) The Secretary shall establish and maintain such interagency groups as are necessary and appropriate to assist in carrying out responsibilities under this Act.

(f) COOPERATION.—(1) The Program shall be conducted so as to encourage cooperation with, and participation in the Program by, other organizations or agencies involved in related activities. For this purpose the Secretary shall cooperate and participate with other Federal agencies, and foreign, international, and domestic organizations and agencies involved in international or domestic climate-related programs.

(2) The Secretary and the Secretary of State shall cooperate in (A) providing representation at climate-related international meetings and conferences in which the United States participates, and (B) coordinating the activities of the Program with the climate programs of other nations and international agencies and organizations, including the World Meteorological Organization, the International Council of Scientific Unions, the United Nations Environmental Program, the United Nations Educational, Scientific, and Cultural Organization, the World Health Organization, and Food and Agriculture Organization.

(g) BUDGETING.—(1) Each Federal agency and department participating in the Program, shall prepare and submit to the Office of Management and Budget, on or before the date of submission of departmental requests for appropriations to the Office of Management and Budget, an annual request for appropriations for the Program for the subsequent fiscal year. The Office of Management and Budget shall review the request for

Annual
appropriation
request to OMB.

Horizontal
budgets.

appropriations as an integrated, coherent, multiagency requirement.

(2) Section 304 of the Act of October 18, 1962 (31 U.S.C. 25) (relating to preparation of horizontal budgets for meteorology), is amended—

(A) by inserting “and of the National Climate Program established under the National Climate Program Act” after “meteorology”, and

(B) by striking out “aspects of the program” and inserting in lieu thereof “aspects of the programs”.

Effective date.
31 USC 25 note.

The amendments made by the preceding sentence shall apply with respect to budgets submitted for fiscal years beginning 6 months or more after the date of the enactment of this Act.

15 USC 2905.
Federal and
State
cooperative
activities.
Grants.

SEC. 6. INTERGOVERNMENTAL CLIMATE PROGRAMS.

(a) **ESTABLISHMENT.**—The Secretary shall establish a program for Federal and State cooperative activities in climate studies and advisory services. The Secretary is authorized to make annual grants to any State or group of States, such grants to be made available to public or private educational institutions, to State agencies and to other persons or institutions qualified to conduct climate-related studies or provide climate-related services. Such grants may be made for not more than 50 percent of the costs, in any one year, of the research conducted or services provided under the grant. Federal funds received from other sources shall not be used to pay the remaining share of the cost of such research or services. The Secretary shall work with other appropriate mission agencies in conducting this program.

Limitation.

Restriction.

(b) **DETAIL OF THE INTERGOVERNMENTAL PROGRAM.**—The intergovernmental program shall provide, among others, the following State and regional services and functions:

(1) studies relating to and analyses of climatic effects on agricultural production, water resources, energy needs, and other critical sectors of the economy;

(2) atmospheric data collection and monitoring on a statewide and regional basis;

(3) advice to regional, State, and local government agencies regarding climate-related issues;

(4) information to users within the State regarding climate and climatic effects; and

(5) information to the Secretary regarding the needs of persons within the State for climate-related services, information and data.

(c) **INTERGOVERNMENTAL PROGRAM REQUIREMENTS.**—Prior to making a grant to any State or group of States under this section, the Secretary shall find that—

(1) the State, or each of the States in a group, has adopted a State climate program in accordance

with the provisions of this Act and rules and regulations promulgated by the Secretary; and

(2) the State, or each of the States in a group has—

(A) integrated its climate program with the Program; and

(B) established an effective mechanism for consultation and coordination with Federal and local government officials and users within the State.

The Secretary shall insure that grants made to a State or group of States under this section are made on an equitable basis.

SEC. 7. ANNUAL REPORT.

The Secretary shall prepare and submit to the President and the authorizing committees of the Congress, not later than March 31⁵⁷ of each year, a report on the activities conducted pursuant to this Act during the preceding fiscal year, including—

(a) a summary of the achievements of the Program during the previous fiscal year;

(b) an analysis of the progress made toward achieving the goals and objectives of the Program;

(c) a copy of the 5-year plan and any changes made in such plan;

(d) a summary of the multiagency budget request for the Program of subsection 5(g); and

(e) any recommendations for additional legislation which may be required to assist in achieving the purposes of the Act.

15 USC 2906.
Report to
President and
congressional
committees.

SEC. 8. CONTRACT AND GRANT AUTHORITY; RECORDS AND AUDITS. 15 USC 2907.

(a) Functions vested in any Federal officer or agency by this Act or under the Program may be exercised through the facilities and personnel of the agency involved or, to the extent provided or approved in advance in appropriations Acts, by other persons or entities under contracts or grant arrangements entered into by such officer or agency.

(b)(1) Each person or entity to which Federal funds are made available under a contract or grant arrangement as authorized by this Act shall keep such records as the Director of the Office shall prescribe, including records which fully disclose the amount and disposition by such person or entity of such funds, the total cost of the activities for which such funds were so made available, the amount of that portion of such cost supplied from other sources, and such other records as will facilitate an effective audit.

Recordkeeping.

⁵⁷ Public Law 97-375, Dec. 21, 1982, section 202(b), (96 Stat. 1822) substituted "March 31" for "January 30."

Accessibility to
records.

(2) The Director of the Office and the Comptroller General of the United States, or any of their duly authorized representatives, shall, until the expiration of 3 years after the completion of the activities (referred to in paragraph (1)) of any person or entity pursuant to any contract or grant arrangement referred to in subsection (a), have access for the purpose of audit and examination to any books, documents, papers, and records of such person or entity which, in the judgment of the Director or the Comptroller General, may be related or pertinent to such contract or grant arrangement.

15 USC 2908.

SEC. 9. AUTHORIZATION FOR APPROPRIATIONS.

(a) GENERAL AUTHORIZATION OF APPROPRIATION.—In addition to any other funds otherwise authorized to be appropriated for the purpose of conducting climate-related programs, there are authorized to be appropriated to the Secretary, for the purpose of carrying out the provisions of this Act, not to exceed \$50,000,000 for the fiscal year ending September 30, 1979, not to exceed \$65,000,000 for the fiscal year ending September 30, 1980, and not to exceed \$25,500,000 for the fiscal year ending September 30, 1981, of which amount not less than \$2,653,000 shall be made directly available to the National Climate Program Office in the form of a budget item separate from the activities of the National Oceanic and Atmospheric Administration.⁵⁸

(5) *Acid Precipitation Program, Public Law 96-294, June 30, 1980, (94 Stat. 770)*

Acid
Precipitation
Act of 1980.

TITLE VII—ACID PRECIPITATION PROGRAM AND CARBON DIOXIDE STUDY

SUBTITLE A—ACID PRECIPITATION

SHORT TITLE

42 USC 8901
note.

SEC. 701. This title may be cited as the "Acid Precipitation Act of 1980".

STATEMENT OF FINDINGS AND PURPOSE

42 USC 8901.

SEC. 702. (a) The Congress finds and declares that acid precipitation resulting from other than natural sources—

(1) could contribute to the increasing pollution of natural and man-made water systems;

(2) could adversely affect agricultural and forest crops;

(3) could adversely affect fish and wildlife and natural ecosystems generally;

⁵⁸ Public Law 96-547, Dec. 18, 1980 (94 Stat. 3217) added the fiscal year 1981 authorization for appropriations and the provision concerning funds made directly available to the National Climate Program Office.

(4) could contribute to corrosion of metals, wood, paint, and masonry used in construction and ornamentation of buildings and public monuments;

(5) could adversely affect public health and welfare; and

(6) could affect areas distant from sources and thus involve issues of national and international policy.

(b) The Congress declares that it is the purpose of this subtitle—

(1) to identify the causes and sources of acid precipitation;

(2) to evaluate the environmental, social, and economic effects of acid precipitation; and

(3) based on the results of the research program established by this subtitle and to the extent consistent with existing law, to take action to the extent necessary and practicable (A) to limit or eliminate the identified emissions which are sources of acid precipitation, and (B) to remedy or otherwise ameliorate the harmful effects which may result from acid precipitation.

(c) For purposes of this subtitle the term “acid precipitation” means the wet or dry deposition from the atmosphere of acid chemical compounds.

“Acid precipitation” definition.

INTERAGENCY TASK FORCE; COMPREHENSIVE PROGRAM

SEC. 703. (a) There is hereby established a comprehensive ten-year program to carry out the provisions of this subtitle; and to implement this program there shall be formed an Acid Precipitation Task Force (hereafter in this subtitle referred to as the “Task Force”), of which the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Administrator of the National Oceanic and Atmospheric Administration shall be joint chairmen. The remaining membership of the Task Force shall consist of—

Acid Precipitation Task Force. 42 USC 8902.

(1) one representative each from the Department of the Interior, the Department of Health and Human Services, the Department of Commerce, the Department of Energy, the Department of State, the National Aeronautics and Space Administration, the Council on Environmental Quality, the National Science Foundation, and the Tennessee Valley Authority;

(2) the director of the Argonne National Laboratory, the director of the Brookhaven National Laboratory, the director of the Oak Ridge National Laboratory, and the director of the Pacific Northwest National Laboratory; and

(3) four additional members to be appointed by the President.

Research
management
consortium.

(b) The four National Laboratories (referred to in subsection (a)(2)) shall constitute a research management consortium having the responsibilities described in section 704(b)(13) as well as the general responsibilities required by their representation on the Task Force. In carrying out these responsibilities the consortium shall report to, and act pursuant to direction from, the joint chairmen of the Task Force.

Director.

(c) The Administrator of the National Oceanic and Atmospheric Administration shall serve as the director of the research program established by this subtitle.

COMPREHENSIVE RESEARCH PLAN

42 USC 8903.

SEC. 704. (a) The Task Force shall prepare a comprehensive research plan for the ten-year program (hereafter in this subtitle referred to as the "comprehensive plan"), setting forth a coordinated program (1) to identify the causes and effects of acid precipitation and (2) to identify actions to limit or ameliorate the harmful effects of acid precipitation.

(b) The comprehensive plan shall include programs for—

(1) identifying the sources of atmospheric emissions contributing to acid precipitation;

(2) establishing and operating a nationwide long-term monitoring network to detect and measure levels of acid precipitation;

(3) research in atmospheric physics and chemistry to facilitate understanding of the processes by which atmospheric emissions are transformed into acid precipitation;

(4) development and application of atmospheric transport models to enable prediction of long-range transport of substances causing acid precipitation;

(5) defining geographic areas of impact through deposition monitoring, identification of sensitive areas, and identification of areas at risk;

(6) broadening of impact data bases through collection of existing data on water and soil chemistry and through temporal trend analysis;

(7) development of dose-response functions with respect to soils, soil organisms, aquatic and amphibious organisms, crop plants, and forest plants;

(8) establishing and carrying out system studies with respect to plant physiology, aquatic ecosystems, soil chemistry systems, soil microbial systems, and forest ecosystems;

(9) economic assessments of (A) the environmental impacts caused by acid precipitation on crops, forests, fisheries, and recreational and aesthetic resources and structures, and (B) alternative technologies to remedy or otherwise ameliorate the harm-

ful effects which may result from acid precipitation;

(10) documenting all current Federal activities related to research on acid precipitation and ensuring that such activities are coordinated in ways that prevent needless duplication and waste of financial and technical resources;

(11) effecting cooperation in acid precipitation research and development programs, ongoing and planned, with the affected and contributing States and with other sovereign nations having a commonality of interest;

(12) subject to subsection (f)(1), management by the Task Force of financial resources committed to Federal acid precipitation research and development;

(13) subject to subsection (f)(2), management of the technical aspects of Federal acid precipitation research and development programs, including but not limited to (A) the planning and management of research and development programs and projects, (B) the selection of contractors and grantees to carry out such programs and projects, and (C) the establishment of peer review procedures to assure the quality of research and development programs and their products; and

(14) analyzing the information available regarding acid precipitation in order to formulate and present periodic recommendations to the Congress and the appropriate agencies about actions to be taken by these bodies to alleviate acid precipitation and its effects.

(c) The comprehensive plan—

(1) shall be submitted in draft form to the Congress, and for public review, within six months after the date of the enactment of this Act;

(2) shall be available for public comment for a period of sixty days after its submission in draft form under paragraph (1);

(3) shall be submitted in final form, incorporating such needed revisions as arise from comments received during the review period, to the President and the Congress within forty-five days after the close of the period allowed for comments on the draft comprehensive plan under paragraph (2); and

(4) shall constitute the basis on which requests for authorizations and appropriations are to be made for the nine fiscal years following the fiscal year in which the comprehensive plan is submitted in final form under paragraph (3).

(d) The Task Force shall convene as necessary, but no less than twice during each fiscal year of the ten-year period covered by the comprehensive plan.

Submittal to
Congress; public
review.

Annual report
to President
and Congress.

(e) The Task Force shall submit to the President and the Congress by January 15 of each year an annual report which shall detail the progress of the research program under this subtitle and which shall contain such recommendations as are developed under subsection (b)(14).

(f)(1) Subsection (b)(12) shall not be construed as modifying, or as authorizing the Task Force or the comprehensive plan to modify, any provision of an appropriation Act (or any other provision of law relating to the use of appropriated funds) which specifies (A) the department or agency to which funds are appropriated, or (B) the obligations of such department or agency with respect to the use of such funds.

(2) Subsection (b)(13) shall not be construed as modifying, or as authorizing the Task Force or the comprehensive plan to modify, any provision of law (relating to or involving a department or agency) which specifies (A) procurement practices for the selection, award, or management of contracts by such department or agency, or (B) program activities, limitations, obligations, or responsibilities of such department or agency.

IMPLEMENTATION OF COMPREHENSIVE PLAN

42 USC 8904.

SEC. 705. (a) The comprehensive plan shall be carried out during the nine fiscal years following the fiscal year in which the comprehensive plan is submitted in its final form under section 704(c)(3); and—

(1) shall be carried out in accord with, and meet the program objectives specified in, paragraphs (1) through (11) of section 704(b);

(2) shall be managed in accord with paragraphs (12) through (14) of such section; and

(3) shall be funded by annual appropriations, subject to annual authorizations which shall be made for each fiscal year of the program (as provided in section 706) after the submission of the Task Force progress report which under section 704(e) is required to be submitted by January 15 of the calendar year in which such fiscal year begins.

(b) Nothing in this subtitle shall be deemed to grant any new regulatory authority or to limit, expand, or otherwise modify any regulatory authority under existing law, or to establish new criteria, standards, or requirements for regulation under existing law.

AUTHORIZATION OF APPROPRIATIONS

42 USC 8905.

SEC. 706. (a) For the purpose of establishing the Task Force and developing the comprehensive plan under section 704 there is authorized to be appropriated to the National Oceanic and Atmospheric Administration for fiscal year 1981 the sum of \$5,000,000, to remain available until expended.

(b) Authorization of appropriations for the nine fiscal years following the fiscal year in which the comprehensive plan is submitted in final form under section 704(c)(3), for purposes of carrying out the comprehensive ten-year program established by section 703(a) and implementing the comprehensive plan under sections 704 and 705, shall be provided on an annual basis in authorization Acts hereafter enacted; but the total sum of dollars authorized for such purposes for such nine fiscal years shall not exceed \$45,000,000 except as may be specifically provided by reference to this paragraph in the authorization Acts involved.

SUBTITLE B—CARBON DIOXIDE

STUDY

* * * * *

SECTION X. OTHER

(1) *Unitary Wind Tunnel Plan Act of 1949 (50 U.S.C. 511-515)*

SUBCHAPTER I—CONSTRUCTION OF WIND TUNNEL FACILITIES

§ 511. Joint development of unitary plan for construction of facilities; construction at educational institutions.

The Administrator of the National Aeronautics and Space Administration (hereinafter referred to as the "Administrator")⁵⁹ and the Secretary of Defense are authorized and directed jointly to develop a unitary plan for the construction of transsonic and supersonic wind-tunnel facilities for the solution of research, development, and evaluation problems in aeronautics, including the construction of facilities at educational institutions within the continental limits of the United States for training and research in aeronautics, and to revise the uncompleted portions of the unitary plan from time to time to accord with changes in national defense requirements and scientific and technical advances. The Administrator and the Secretaries of the Army, the Navy, and the Air Force are authorized to proceed with the construction and equipment of facilities in implementation of the unitary plan to the extent permitted by appropriations pursuant to existing authority and the authority contained in this chapter. Any further implementation of the unitary plan shall

⁵⁹ The Administrator of NASA has been substituted throughout for the Committee (the National Advisory Committee for Aeronautics) pursuant to the "National Aeronautics and Space Act of 1958," Public Law 85-568, July 29, 1958 (72 Stat. 432).

be subject to such additional authorizations as may be approved by Congress.

§ 512. Limitation on cost of construction and equipment; vesting of title to facilities.

The Administrator is authorized, in implementation of the unitary plan, to construct and equip transsonic or supersonic wind tunnels of a size, design and character adequate for the efficient conduct of experimental work in support of long-range fundamental research at educational institutions within the continental United States, to be selected by the Administrator, or to enter into contracts with such institutions to provide for such construction and equipment, at a total cost not to exceed \$10,000,000: *Provided*, That the Administrator may, in his discretion, after consultation with the Committees on Armed Services of both Houses of the Congress, vest title to the facilities completed pursuant to this section in such educational institutions under such terms and conditions as may be deemed in the best interests of the United States.

§ 513. Expansion of existing facilities; appropriations; testing of models.

(a) The Administrator is authorized to expand the facilities at his existing laboratories by the construction of additional supersonic wind tunnels, including buildings, equipment and accessory construction, and by the acquisition of land and installation of utilities.

(b) There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this section, but not to exceed \$136,000,000.

(c) The facilities authorized by this section shall be operated and staffed by the Administrator but shall be available primarily to industry for testing experimental models in connection with the development of aircraft and missiles. Such tests shall be scheduled and conducted in accordance with industry's requirements and allocation of laboratory time shall be made in accordance with the public interest with proper emphasis upon the requirements of each military service and due consideration of civilian needs.

§ 514. Expansion of facilities at Carderock, Maryland.

* * * * *

§ 515. Reports to Congress.

The Administrator shall submit semi-annual written reports to the congress covering the selection of institutions and contracts entered into pursuant to section 512 of this title together with other pertinent information relative to the Administrator's activities and accomplishments thereunder.

(2) *Establishment of the Aerospace Safety Advisory Panel*

Section 6 of the National Aeronautics and Space Administration Authorization Act, 1968 (Public Law 90-67, August 21, 1967, 81 Stat. 168) established the Aerospace Safety Advisory Panel:

"SEC. 6. There is hereby established an Aerospace Safety Advisory Panel consisting of a maximum of nine members who shall be appointed by the Administrator for terms of six years each. The Panel shall review safety studies and operations plans referred to it and shall make reports thereon, shall advise the Administrator with respect to the hazards of proposed or existing facilities and proposed operations and with respect to the adequacy of proposed or existing safety standards and shall perform such other duties as the Administrator may request. One member shall be designated by the Panel as its Chairman. Members of the Panel who are officers or employees of the Federal Government shall receive no compensation for their services as such, but shall be allowed necessary travel expenses (or in the alternative, mileage for use of privately owned vehicles and a per diem in lieu of subsistence not to exceed the rates prescribed in 5 U.S.C. 5702, 5704, and other necessary expenses incurred by them in the performance of duties vested in the Panel, without regard to the provisions of subchapter I, chapter 57 of title 5 of the United States Code, the Standardized Government Travel Regulations, or 5 U.S.C. 5731. Members of the Panel appointed from outside the Federal Government shall each receive compensation at a rate not to exceed the per diem rate equivalent to the rate for GS-18 for each day such member is engaged in the actual performance of duties vested in the Panel in addition to reimbursement for travel, subsistence, and other necessary expenses in accordance with the provisions of the foregoing sentence. Not more than four such members shall be chosen from among the officers and employees of the National Aeronautics and Space Administration.⁶⁰ 42 USC 2477.

(3) *Congressional Space Medal of Honor (42 U.S.C. 2461)*

§2461. Congressional Space Medal of Honor; appropriations.

The President may award, and present in the name of Congress, a medal of appropriate design, which shall be known as the Congressional Space Medal of Honor, to any astronaut who in the performance of his duties

⁶⁰ Previous language authorizing pay not to exceed \$100 for each day was amended by section 8 of the "National Aeronautics and Space Administration Authorization Act, 1977" (Public Law 94-307, June 4, 1976, 90 Stat. 677), to read "a rate not to exceed the per diem rate equivalent to the rate for GS-18."

has distinguished himself by exceptionally meritorious efforts and contributions to the welfare of the Nation and of mankind.

There is authorized to be appropriated from time to time such sums of money as may be necessary to carry out the purposes of this section. (P.L. 91-76, Sept. 29, 1969, 83 Stat. 124.)

(4) *Implantation of the United States flag on the moon or planets (P.L. 91-119, Nov. 18, 1969, Section 8 (83 Stat. 202))*

SEC. 8. The flag of the United States, and no other flag, shall be implanted or otherwise placed on the surface of the moon, or on the surface of any planet, by the members of the crew of any spacecraft making a lunar or planetary landing as a part of a mission under the Apollo program or as a part of a mission under any subsequent program, the funds for which are provided entirely by the Government of the United States. This act is intended as a symbolic gesture of national pride in achievement and is not to be construed as a declaration of national appropriation by claim of sovereignty.

(5) *Canaveral National Seashore (P.L. 93-626, Jan. 3, 1975, 88 Stat. 2121)*

Canaveral
National
Seashore, Fla.
Establishment.
16 USC 455j.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve and protect the outstanding natural, scenic, scientific, ecologic, and historic values of certain lands, shoreline, and waters of the State of Florida, and to provide for public outdoor recreation use and enjoyment of the same, there is hereby established the Canaveral National Seashore (hereinafter referred to as the "seashore"), as generally depicted on the map entitled "Boundary Map, Canaveral National Seashore", dated August 1974 and numbered NS-CAN-40,000A. Such seashore shall comprise approximately sixty-seven thousand five hundred acres within the area more particularly described by a line beginning at the intersection of State Highway 3 and State Road 402, thence generally easterly following State Road 402 to a point one-half mile offshore in the Atlantic Ocean, thence northwesterly along a line which is at each point one-half mile distant from the high water mark to Bethune Beach, thence inland in a generally westerly direction through Turner Flats and Shipyard Canal, thence northwesterly to the Intracoastal Waterway, thence southerly along the Intracoastal Waterway to the boundary of the Kennedy Space Center, thence southwesterly to United States Highway 1, thence southerly along State Highway 3 to the point of beginning. The boundary map shall be on file and available for public inspection in the offices of the United States Fish and Wildlife Service and National Park Service,

Department of the Interior, Washington, District of Columbia. After advising the Committees on Interior and Insular Affairs of the United States Congress, in writing, at least sixty days prior to making any boundary revisions, the Secretary may from time to time make minor revisions in the boundaries of the seashore by publication of a revised map or other boundary description in the Federal Register: *Provided*, That the total acreage included within the boundaries shall not exceed that enumerated in this section.

Boundary Register, publication in Federal revisions.

SEC. 2. Within the boundaries of the seashore, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, exchange, or transfer. Any property owned by the State of Florida or any political subdivision thereof may be acquired only by donation. It is the intent and purpose of this Act that the Secretary shall have sole authority to develop and improve those State owned lands donated now and in the future in accordance with the intent and purposes of this Act. Notwithstanding any other provision of law, any federally owned property within the boundaries of the seashore may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary of the Interior and he may develop and administer such lands in a manner consistent with the purposes of this Act. In accepting lands transferred by the National Aeronautics and Space Administration pursuant to this Act, the Secretary shall enter into a written cooperative agreement with the Administrator to assure the use of such lands in a manner which is deemed consistent with the public safety and with the needs of the space and defense programs of the Nation: *Provided*, That no new construction or development shall be permitted within the seashore, except for the construction of such facilities as the Secretary deems necessary for the health and safety of the visiting public or for the proper administration of the seashore: *Provided further*, That after the date of the enactment of this Act the Secretary of the Interior, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall submit to the Committees on Interior and Insular Affairs of the Congress and to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a report of all land transfers made by the National Aeronautics and Space Administration to the Department of the Interior under this Act.

Land acquisition. 16 USC 459j-1.

Report to congressional committees.

SEC. 3. (a) Except for property deemed necessary by the Secretary for visitor facilities, or for access to or administration of the seashore, any owner or owners of improved property on the date of its acquisition by the Secretary may, as a condition of such acquisition, retain

16 USC 459j-2.

for themselves and their successors or assigns a right of use and occupancy of the improved property for non-commercial residential purposes for a definite term not to exceed twenty-five years, or in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, whichever is the later. The owner shall elect the term to be reserved. Unless the property is wholly or partially donated to the United States, the Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

(b) The Secretary may terminate a right of use and occupancy retained pursuant to this section upon his determination that such use and occupancy is being exercised in a manner not consistent with the purposes of this Act, and upon tender to the holder of the right of an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination.

"Improved property" definition.

(c) The term "improved property", as used in this section shall mean a detached, noncommercial residential dwelling, the construction of which was begun before January 1, 1971 (hereafter referred to as "dwelling"), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures, necessary to the dwelling which are situated on the land so designated.

(d) Except as otherwise provided, the Secretary shall have the authority to use condemnation as a means of acquiring a clear and marketable title, free of any and all encumbrances.

Hunting, fishing, and trapping rights.
16 USC 459j-3.

SEC. 4. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the boundaries of the seashore in accordance with the appropriate laws of the State of Florida and the United States to the extent applicable, except that he may designate zones where, and establish periods when, no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish and wildlife management, public use and enjoyment, protection of the resource, or competing public use. Except in emergencies, any regulations prescribing any such restrictions shall be put into effect only after consultation with the appropriate State agency responsible for hunting, fishing, and trapping activities.

Administration.
16 USC 459j-4.

SEC. 5. (a) The seashore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2-4), as amended and supplemented, except that any other statutory authority available to the Secretary for

the conservation management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

(b) Notwithstanding any other provisions of this Act, lands and waters in the Merritt Island National Wildlife Refuge as described in subsection (c)(2) of this section which are part of the seashore shall be administered for refuge purposes through the United States Fish and Wildlife Service pursuant to the National Wildlife Refuge System Administration Act, as amended (80 Stat. 926; 16 U.S.C. 668dd-668ee), except that the Secretary may utilize such additional authority as may be available to him for the conservation and management of wildlife and natural resources, the development of outdoor recreation opportunities, and interpretive education as he deems appropriate, consistent with the preservation of natural and wildlife values.

(c) The Secretary shall cause to be issued a well defined division of management authority between the National Park Service and the United States Fish and Wildlife Service. It is the intent and purpose of this Act that such management authority, generally, shall be as follows:

(1) The National Park Service shall administer those lands and waters described as follows: beginning at the intersection of State Highway 3 and State Road 402; thence easterly along State Road 402 and continuing easterly in a straight line to a point one-half mile offshore in the Atlantic Ocean, following the southern boundary of the seashore created in section 1; thence northwesterly along the boundary of the seashore created in section 1, which line is at each point one-half mile distance from the high water mark, to Bethune Beach; thence inland in a generally westerly direction through Turner Flats and Shipyard Canal; thence northwesterly to the Intracoastal Waterway; thence southerly along the Intracoastal Waterway to the boundary of the Kennedy Space Center; then southwest to United States Highway 1; thence southerly along State Highway 3 to the northern boundary of H. M. Gomez Grant; thence easterly along the northern boundary of H. M. Gomez Grant and continuing easterly in a straight line to a point of intersection with the line between the marsh and the dunes; thence southerly along the line between the marsh and the dunes to a point approximately one-half mile north of the southern boundary of the seashore created in section 1; thence westerly in a straight line to connect with and to follow the Government Railroad to its intersection with State Highway 3; thence southerly along State Highway 3 to the point of beginning. The portion of land bounded by the northern boundary of the H. M. Gomez Grant is hereby transferred to the Secretary of the Interior and may be used for the purpose of establishing such facili-

Spessard L.
Holland Visitor
Center,
designation.

ties as are needed for the administration of the seashore, for the construction of the principal visitor center which shall be designated as the "Spessard L. Holland Visitor Center", and for a central access to the seashore: *Provided, however,* That the Secretary of the Interior; upon the request of the Administrator of the National Aeronautics and Space Administration, shall close this area or any part thereof to the public when necessary for space operations. In administering the shoreline and adjacent lands the Secretary shall retain such lands in their natural and primitive condition, shall prohibit vehicular traffic on the beach except for administrative purposes, and shall develop only those facilities which he deems essential for public health and safety.

Canaveral
National
Seashore
Advisory
Commission.
Establishment.
16 USC 459j-5.

(2) The United States Fish and Wildlife Service shall administer the remaining lands described in section 1 of the Act.

Termination.

SEC. 6. (a) There is hereby established the Canaveral National Seashore Advisory Commission which shall consult and advise with the Secretary on all matters of planning, development, and operation of the seashore and shall provide such other advice and assistance as may be useful in carrying out the purposes of this Act. The Commission shall terminate ten years after the date the seashore is established pursuant to this Act, unless extended by the Congress. The Commission shall be composed of six members who shall serve for terms of two years. Members shall be appointed by the Secretary, one of whom he shall designate as Chairman, in the following manner:

Membership.

(1) one member from each county in which the seashore is located, to be selected from recommendations made by the county commission in each county;

(2) two members representing the State of Florida who shall be selected from recommendations made by the Governor of Florida; and

(3) two members representing the general public: *Provided,* That one member shall be appropriated from each county in which the seashore is located.⁶¹

(b) After the Secretary designates the member to be Chairman, the Commission may meet as often as necessary at the call of the Chairman or of the Secretary, or upon petition of a majority of the members of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment was made.

⁶¹ Public Law 94-398, Sept. 4, 1976 (90 Stat. 1204), changed the composition of the Commission from five to six members and substituted subsection (3) as stated above for old subsection (3) which read: "one member representing the general public."

(c) Members of the Commission shall serve without compensation, as such, but the Secretary may pay, upon vouchers signed by the Chairman, the expenses reasonably incurred by the Commission and its members in carrying out their responsibilities under this section.

SEC. 7. Upon enactment of this Act, those lands to be used for the administrative and visitor facilities described in section 5(c)(1) shall be transferred by this Act to the Secretary of the Interior and those portions of the John F. Kennedy Space Center falling within the boundaries of the seashore as defined in section 1 of this Act shall become a part of the seashore, and within ninety days thereafter, the Administrator, National Aeronautics and Space Administration, shall grant to the Secretary for carrying out the intent and purpose of this Act such use of said portions as the Administrator determines is not inconsistent with public safety and the needs of the space and defense programs of the Nation. Notwithstanding any other provision of law, any lands within the seashore which the Administrator determines to be excess to the needs of such agency shall be transferred to the Secretary of the Interior for administration in accordance with the provisions of this Act: *Provided*, That any portions of the John F. Kennedy Space Center within the seashore not transferred to the Secretary shall remain under the control and jurisdiction of the Administrator.

Transfer of
lands, 16 USC
459j-6.

SEC. 8. Within three years from the date of enactment of this Act, the Secretary shall review the area within the seashore and shall report to the President, in accordance with section 3 (c) and (d) of the Wilderness Act (78 Stat. 891; 16 U.S.C. 1132 (c) and (d), his recommendations as to the suitability or unsuitability of any area within the seashore for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

Report to
President, 16
USC 459j-7.

SEC. 9. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, but not more than \$7,941,000 for the acquisition of lands and interests in lands. In order to avoid excessive costs resulting from delays in the acquisition program, the Secretary shall make every reasonable effort to promptly acquire the privately owned lands within the seashore. Until all such lands are acquired, he shall report, in writing on June 30 of each year to the Committees on Interior and Insular Affairs of the United States Congress, the following information:

16 USC 459j-8.

- (1) the amount of land acquired during the current fiscal year and the amount expended thereof;
- (2) the amount of land remaining to be acquired;
- and

Report to
congressional
committees.

Seashore
development
plan,
transmittal to
congressional
committees.

(3) the amount of land programed for acquisition in the ensuing fiscal year and the estimated cost thereof.

(b) For the development of essential public facilities there are authroized to be appropriated not more than \$500,000. Within three years from the date of the enactment of this Act, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a final master plan for the full development of the seashore consistent with the preservation objectives of this Act, indicating:

(1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;

(2) the location and estimated cost of all facilities; and

(3) the projected need for any additional facilities within the seashore.

(6) *Security regulations issued by NASA (50 U.S.C. 797)*

§ 797. Security regulations and orders: penalty for violation.

(a) Whoever willfully shall violate any such regulation or order as, pursuant to lawful authority, shall be or has been promulgated or approved by the Secretary of Defense, or by any military commander designated by the Secretary of Defense, or by the Director of the National Advisory Committee for Aeronautics,⁶² for the protection or security of military or naval aircraft, airports, airport facilities, vessels, harbors, ports, piers, water-front facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which said Department consists, or any officer or employee of said Department or agency, or of the National Advisory Committee for Aeronautics^{62a} or any officer or employee thereof, relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse or other unsatisfactory conditions thereon, or the ingress thereto or egress or removal of persons therefrom, or otherwise providing for safeguarding the same against destruction, loss, or injury by accident or by enemy action, sabotage or other subversive actions, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed \$5,000 or to imprisonment for not more than one year, or both.

⁶² The National Advisory Committee for Aeronautics was terminated pursuant to section 301(a) of the "National Aeronautics and Space Act of 1958," P.L. 85-568, July 29, 1958 (72 Stat. 432) and its functions were transferred to NASA.

^{62a} See footnote 62.

(b) Every such regulation or order shall be posted in conspicuous and appropriate places.

(7) National science and technology policy

The National Science and Technology Policy, Organization and Priorities Act of 1976, P.L. 94-282, May 11, 1976 (90 Stat. 459) was changed by Executive Order 12039, Feb. 24, 1978:

EX. ORD. NO. 12039. TRANSFER OF CERTAIN SCIENCE AND TECHNOLOGY POLICY FUNCTIONS

Ex. Ord. No. 12039, Feb. 24, 1978, 43 F.R. 8095, provided:

By virtue of the authority vested in me by the Constitution and laws of the United States of America, including Section 7 of Reorganization Plan No. 1 of 1977 (42 FR 56101 (October 21, 1977)) [set out in Appendix of Title 5, Government Organization and Employees], Section 301 of Title 3 of the United States Code, and Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and as President of the United States of America, in order to provide for the transfer of certain science and technology functions, it is hereby ordered as follows:

42 USC 6601.

SECTION 1. (a) The transfer, provided by Section 5A of Reorganization Plan No. 1 of 1977 (42 FR 56101) [set out in Appendix of Title 5, Government Organization and Employees], of certain functions under the National Science and Technology Policy, Organization, and Priorities Act of 1976, hereinafter referred to as the Act (90 Stat. 459, 42 U.S.C. 6601 et seq.), from the Office of Science and Technology Policy and its Director to the Director of the National Science Foundation is hereby effective.

(b) The abolition of the Intergovernmental Science, Engineering, and Technology Advisory Panel, the President's Committee on Science and Technology, and the Federal Coordinating Council for Science, Engineering and Technology (established in accordance with Titles II, III, and IV of the Act) [sections 6611 et seq., 6631 et seq., and 6651 of this title] and the transfer of their functions (Sections 205(b)(1), 303 (a) and (b)(1), and 401 of the Act, 42 U.S.C. 6614(b)(1), 6633 (a) and (b)(1), and 6651(e)) to the President of the United States of America, provided by Section 5A of Reorganization Plan No. 1 of 1977 [set out in Appendix of Title 5, Government Organization and Employees], are hereby effective.

SEC. 2. (a) The intergovernmental science, engineering, and technology functions under Section 205(b)(1) of the Act (42 U.S.C. 6614(b)(1)), which were transferred to the President (see Section 1(b) of this Order), are delegated to the Director of the Office of Science and Technology Policy; *Except that*, the responsibility for foster-

ing any policies to facilitate the transfer and utilization of research and development results is delegated to the Director of the Office of Management and Budget.

(b) The functions vested by subsection (a) of this Section in the Director of the Office of Management and Budget shall be performed in accord with the Director's responsibilities under the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098, 42 U.S.C. 4201 et seq.). The Director of the Office of Science and Technology Policy shall advise the Director of the Office of Management and Budget with respect to the needs of State, regional, and local governments which may be assisted by the utilization of science, engineering, and technology research and development results.

(c) The functions vested by subsection (a) of this Section in the Director of the Office of Science and Technology policy shall be performed in coordination with the Director of the Office of Management and Budget and with others as designated by the President.

(d) To advise the Director of the Office of Science and Technology Policy on the performance of those functions delegated to him by subsection (a) of this Section, he shall establish, in accord with the Federal Advisory Committee Act (5 U.S.C. App.), an Intergovernmental Science, Engineering, and Technology Advisory Panel. The Panel members shall include representatives of such Executive agencies and such officials of State and local governments as the Director may designate.

SEC. 3. The Federal science, engineering, and technology functions under Section 303 (a) and (b)(1) of the Act (42 U.S.C. 6633 (a) and (b)(1)), which were transferred to the President (see Section 1(b) of this Order), are delegated to the Director of the Office of Science and Technology Policy: *Except that*, those functions concerned with reorganization, including Federal-State liaison, are delegated to the Director of the Office of Management and Budget, who shall be provided advice and assistance thereon by the Director of the Office of Science and Technology Policy.

SEC. 4. The science, engineering, and technology and related activities functions under Section 401(e) of the Act (42 U.S.C. 6651(e)), which were transferred to the President (see Section 1(b) of this Order), are delegated to the Director of the Office of Science and Technology Policy.

SEC. 5. There is hereby established the Federal Coordinating Council for Science, Engineering, and Technology. The Council shall be composed of the Director of the Office of Science and Technology Policy, who shall be Chairman, and representatives of such other Executive agencies designated by the Chairman. The head of an agency so designated shall designate an appropriate individual to serve on the Council. The Council shall advise and assist the Director of the Office of

Science and Technology Policy in the performance of those functions delegated under Section 4 of this Order.

SEC. 6. The records, property, personnel, and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred, reassigned, or redelegated by this Order are hereby transferred to the Director of the Office of Management and Budget, the Director of the Office of Science and Technology Policy, or the Director of the National Science Foundation, as appropriate.

SEC. 7. The Director of the Office of Management and Budget shall make such determinations, issue such orders, and take all actions necessary or appropriate to effectuate the transfers or reassignments provided by this Order, including the transfer of funds, records, property, and personnel.

SEC. 8. This Order shall be effective on February 26, 1978.

JIMMY CARTER.

All the functions of the Office of Science and Technology Policy were transferred to the Director of the National Science Foundation, as follows:

TRANSFER OF FUNCTIONS

All functions vested in the Office of Science and Technology Policy and the Director thereof pursuant to subsec. (a)(2) of this section and sections 6615 and 6618 of this title were transferred to the Director of the National Science Foundation by Section 5A of Reorg. Plan No. 1 of 1977, set out in the Appendix to Title 5, Government Organization and Employees, effective on or before Apr. 1, 1978, at such time as specified by the President. 42 USC 6614.

The Intergovernmental Science, Engineering, and Technology Advisory Panel, established pursuant to this section, was abolished and its functions transferred to the President by Reorg. Plan No. 1 of 1977, § 5A, 42 F.R. 56101, 91 Stat. 1634, set out in the Appendix to Title 5, effective on or before Apr. 1, 1978, at such time as specified by the President.

(8) *Inspector General Act of 1978 (P.L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended by P.L. 96-88, Oct. 17, 1979, 93 Stat. 694 and P.L. 97-113, Dec. 29, 1981, 95 Stat. 1544)*

§ 1. Short title.

This Act be cited as the "Inspector General Act of 1978".

§ 2. Purpose and establishment of Offices of Inspector General; departments and agencies involved.

In order to create independent and objective units—

(1) to conduct and supervise audits and investigations relating to programs and operations of the Department of Agriculture, the Department of Commerce, the Department of Education, the Department of Housing and Urban Development, the Department of the Interior, the Department of Labor, the Department of Transportation, the Agency for International Development, the Community Services Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, the Small Business Administration, and the Veterans' Administration;

(2) to provide leadership and coordination and recommend policies for activities designed (A) to promote economy, efficiency, and effectiveness in the administration of, and (B) to prevent and detect fraud and abuse in, such programs and operations; and

(3) to provide a means for keeping the head of the establishment and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action; thereby is hereby established in each of such establishments an Office of Inspector General.

§ 3. Appointment of Inspector General; supervision; removal; political activities; appointment of Assistant Inspector General for Auditing and Assistant Inspector General for Investigations.

(a) There shall be at the head of each Office an Inspector General who shall be appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. Each Inspector General shall report to and be under the general supervision of the head of the establishment involved or, to the extent such authority is delegated, the officer next in rank below such head, but shall not report to or be subject to supervision by, any other officer of such establishment. Neither the head of the establishment nor the officer next in rank below such head shall prevent or prohibit the Inspector General from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation.

(b) An Inspector General may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

(c) For the purposes of section 7324 of title 5, United States Code, no Inspector General shall be considered to be an employee who determines policies to be pursued by the United States in the nationwide administration of Federal laws.

(d) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

(1) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment, and

(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

§ 4. Duties and responsibilities; report of criminal violations to Attorney General.

(a) It shall be the duty and responsibility of each Inspector General, with respect to the establishment within which his Office is established—

(1) to provide policy direction for and to conduct, supervise, and coordinate audits and investigations relating to the programs and operations of such establishment;

(2) to review existing and proposed legislation and regulations relating to programs and operations of such establishment and to make recommendations in the semiannual reports required by section 5(a) concerning the impact of such legislation or regulations on the economy and efficiency in the administration of programs and operations administered or financed by such establishment or the prevention and detection of fraud and abuse in such programs and operations;

(3) to recommend policies for, and to conduct, supervise, or coordinate other activities carried out or financed by such establishment for the purpose of promoting economy and efficiency in the administration of, or preventing and detecting fraud and abuse in, its programs and operations,

(4) to recommend policies for, and to conduct, supervise, or coordinate relationships between such establishment and other Federal agencies, State and local governmental agencies, and nongovernmental entities with respect to (A) all matters relating to the promotion of economy and efficiency in the administration of, or the prevention and detection of fraud and abuse in, programs and operations administered or financed by such establish-

ment, or (B) the identification and prosecution of participants in such fraud or abuse; and

(5) to keep the head of such establishment and the Congress fully and currently informed, by means of the reports required by section 5 and otherwise, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by such establishment, to recommend corrective action concerning such problems, abuses, and deficiencies and to report on the progress made in implementing such corrective action.

(b) In carrying out the responsibilities specified in subsection (a)(1), each Inspector General shall—

(1) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

(2) establish guidelines for determining when it shall be appropriate to use non-Federal auditors; and

(3) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1).

(c) In carrying out the duties and responsibilities established under this Act, each Inspector General shall give particular regard to the activities of the Comptroller General of the United States with a view toward avoiding duplication and insuring effective coordination and cooperation.

(d) In carrying out the duties and responsibilities established under this Act, each Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law.

§ 5. Semiannual reports; transmittal to Congress; availability to public; immediate report on serious or flagrant problems.

(a) Each Inspector General shall, not later than April 30 and October 31 of each year, prepare semiannual reports summarizing the activities of the Office during the immediately preceding six-month periods ending March 31 and September 30. Such reports shall include, but need not be limited to—

(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of such establishment disclosed by such activities during the reporting period;

(2) a description of the recommendations for corrective action made by the Office during the reporting period with respect to significant problems,

abuses, or deficiencies identified pursuant to paragraph (1);

(3) an identification of each significant recommendation described in previous semiannual reports on which corrective action has not been completed;

(4) a summary of matters referred to prosecutive authorities and the prosecutions and convictions which have resulted;

(5) a summary of each report made to the head of the establishment under section 6(b)(2) during the reporting period; and

(6) a listing of each audit report completed by the Office during the reporting period.

(b) Semiannual reports of each Inspector General shall be furnished to the head of the establishment involved not later than April 30 and October 31 of each year and shall be transmitted by such head to the appropriate committees or subcommittees of the Congress within thirty days after receipt of the report, together with a report by the head of the establishment containing any comments such head deems appropriate.

(c) Within sixty days of the transmission of the semiannual reports of each Inspector General to the Congress, the head of each establishment shall make copies of such report available to the public upon request and at a reasonable cost.

(d) Each Inspector General shall report immediately to the head of the establishment involved whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of such establishment. The head of the establishment shall transmit any such report to the appropriate committees or subcommittees of Congress within seven calendar days, together with a report by the head of the establishment containing any comments such head deems appropriate.

§ 6. Authority of Inspector General; information and assistance from Federal agencies; unreasonable refusal; office space and equipment.

(a) In addition to the authority otherwise provided by this Act, each Inspector General, in carrying out the provisions of this Act, is authorized—

(1) to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the applicable establishment which relate to programs and operations with respect to which that Inspector General has responsibilities under this Act;

(2) to make such investigations and reports relating to the administration of the programs and operations of the applicable establishment as are, in the

judgment of the Inspector General, necessary or desirable;

(3) to request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this Act from any Federal, State, or local governmental agency or unit thereof;

(4) to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this Act, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: *Provided*, That procedures other than subpoenas shall be used by the Inspector General to obtain documents and information from Federal agencies;

(5) to have direct and prompt access to the head of the establishment involved when necessary for any purpose pertaining to the performance of functions and responsibilities under this Act;

(6) to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(7) to obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-18 of the General Schedule by section 5332 of title 5, United States Code; and

(8) to the extent and in such amounts as may be provided in advance by appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this Act.

(b)(1) Upon request of an Inspector General for information or assistance under subsection (a)(3), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Inspector General, or to an authorized designee, such information or assistance.

(2) Whenever information or assistance requested under subsection (a)(1) or (a)(3) is, in the judgment of an Inspector General, unreasonably refused or not provided, the Inspector General shall report the circum-

stances to the head of the establishment involved without delay.

(c) Each head of an establishment shall provide the Office within such establishment with appropriate and adequate office space at central and field office locations of such establishment, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

§ 7. Complaints by employees; disclosure of identity; reprisals.

(a) The Inspector General may receive and investigate complaints or information from an employee of the establishment concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority or a substantial and specific danger to the public health and safety.

(b) The Inspector General shall not, after receipt of a complaint or information from an employee, disclose the identity of the employee without the consent of the employee, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(c) Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee as a reprisal for making a complaint or disclosing information to an Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

§ 8. Semiannual reports of Secretary of Defense on audit, investigative, and inspection units of Department of Defense; availability to public; exclusion of national security material; delegation of duty; submittal of proposed legislation; establishment of task force to study operation of audit, investigative, and inspection units; membership; comprehensive report; final report.

(a)(1) The Secretary of Defense shall submit to the Congress semiannual reports during the period ending October 1, 1982, summarizing the activities of the audit, investigative, and inspection units of the Department of Defense. Such reports shall be submitted within sixty days of the close of the reporting periods ending March 31 and September 30 and shall include, but not be limited to—

(A) a description of significant instances or patterns of fraud, waste, or abuse disclosed by the audit, investigative, and inspection activities during the reporting period and a description of recommendations for corrective action made with respect to such instances or patterns;

(B) a summary of matters referred for prosecution and of the results of such prosecutions; and

(C) a statistical summary, by categories of subject matter, of audit and inspection reports completed during the reporting period.

(2) Within sixty days of the transmission of the semi-annual reports, the Secretary shall make copies of such reports available to the public upon request and at a reasonable cost.

(3) If the Secretary concludes that compliance with the reporting requirements in paragraphs (1) and (2) of this subsection would require inclusion of material that may constitute a threat to the national security or disclose an intelligence function or activity, the Secretary may exclude such material from the report. If material is excluded from a report under this subsection, the Secretary shall provide the chairmen and ranking minority members of the appropriate committees or subcommittees with a general description of the nature of the material excluded.

(4) The Secretary may delegate his responsibilities under paragraphs (1) through (3): *Provided*, That the delegation be an official within the Office of the Secretary of Defense who is a Presidential appointee confirmed by the Senate. In preparing the reports, the designee of the Secretary shall have the same access to information held by the audit, investigative or inspection units as the Secretary would.

(5) In order to effectuate the purposes of this Act with respect to the Department of Defense, the Secretary of Defense shall submit, not later than March 31, 1981, proposed legislation to establish appropriate reporting procedures, for the period after October 1, 1982, concerning the audit, investigative and inspection activities of the Department of Defense.

(b)(1) The Secretary of Defense shall establish a task force to study the operation of the audit, investigative, and inspection components in the Department of Defense which engage in the prevention and detection of fraud, waste, and abuse. The Secretary shall appoint the Director and other members of the task force: *Provided*, That the Director shall be a person who is not an employee of the Department of Defense. The Director shall have the authority to hire such additional staff as is necessary to complete the study.

(2) The Director and members of the task force and, upon the request of a member or the Director, the staff of the task force shall have access to all information

relevant to the study and held by the audit, investigative, and inspection components in the Department of Defense including reports prepared by such components: *Provided, That—*

(A) such information or reports may be withheld if a component head determines that disclosure would compromise an active investigation or wrong-doing;

(B) the Inspectors General of the Military Departments may delete the names of individuals in a report prepared by them if the Inspector General determines that the inclusion of the names would affect the ability of the Inspector General to obtain information in future investigations and inspections; and

(C) no classified information shall be released to the task force unless the members and staff who will have access to the classified information have the appropriate clearances.

Upon the request of the Director, the Secretary of Defense and the Secretaries of the Military Departments shall assure that the task force has access to information as provided in this subsection.

(3) The task force shall prepare a comprehensive report that shall include, but not be limited to—

(A) a description of the functions of the audit, investigative and inspection components in the Department of Defense and the extent to which such components cooperate in their efforts to detect and prevent fraud, waste and abuse;

(B) an evaluation of whether such components are sufficiently independent to carry out their responsibilities;

(C) the relationship between such components and the Criminal Division of the Department of Justice; and

(D) recommendations for change in organization or functions that may be necessary to improve the effectiveness of such components.

(4) The task force shall submit its final report to the Secretary of Defense and the Director of the Office of Management and Budget. The Secretary and the Director of the Office of Management and Budget may, in the form of addenda to the report, provide any additional information that they deem necessary. The Secretary shall submit the report and the addenda to the Congress not later than April 1, 1980. The task force shall be disestablished sixty days following such submission.

(5) Any matter concerning the intelligence or counter-intelligence activities of the Department of Defense and assigned by regulation to the Inspector General for Defense Intelligence shall be excluded from the study of the task force.

§ 8A. Special provisions relating to the Agency for International Development.

* * * * *

§ 9. Transfer of functions.

(a) There shall be transferred—

(1) to the Office of Inspector General—

* * * * *

(K) of the National Aeronautics and Space Administration, the offices of that agency referred to as the "Management Audit Office" and the "Office of Inspections and Security";

* * * * *

(2) such other offices or agencies, or functions, powers, or duties thereof, as the head of the establishment involved may determine are properly related to the functions of the Office and would, if so transferred, further the purposes of this Act, except that there shall not be transferred to an Inspector General under paragraph (2) program operating responsibilities.

(b) The personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of any office or agency the functions, powers, and duties of which are transferred under subsection (a) are hereby transferred to the applicable Office of Inspector General.

(c) Personnel transferred pursuant to subsection (b) shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions except that the classification and compensation of such personnel shall not be reduced for one year after such transfer.

(d) In any case where all the functions, powers, and duties of any office or agency are transferred pursuant to this subsection, such office or agency shall lapse. Any person who, on the effective date of this Act [Oct. 1, 1978], held a position compensated in accordance with the General Schedule, and who, without a break in service, is appointed in an Office of Inspector General to a position having duties comparable to those performed immediately preceding such appointment shall continue to be compensated in the new position at not less than the rate provided for the previous position, for the duration of service in the new position.

§ 10. Conforming and technical amendments.

* * * * *

§ 11. Definitions.

As used in this Act—

(1) the term "head of the establishment" means the Secretary of Agriculture, Commerce, Education, Housing and Urban Development, the Interior, Labor, or Transportation or the Administrator of the Agency for International Development, Community Services, Environmental Protection, General Services, National Aeronautics and Space, Small Business, or Veterans' Affairs, as the case may be;

(2) the term "establishment" means the Department of Agriculture, Commerce, Education, Housing and Urban Development, the Interior, Labor, or Transportation or the Agency for International Development, the Community Services Administration, the Environmental Protection Agency, the General Services Administration, the National Aeronautics and Space Administration, the Small Business Administration, or the Veterans' Administration, as the case may be;

(3) the term "Inspector General" means the Inspector General of an establishment;

(4) the term "Office" means the Office of Inspector General of an establishment; and

(5) the term "Federal agency" means an agency as defined in section 552(e) of title 5 (including an establishment as defined in paragraph (2)), United States Code, but shall not be construed to include the General Accounting Office.

§ 12. Effective date.

The provisions of this Act and the amendments made by this Act [see section 10 of this Act] shall take effect October 1, 1978.

APPENDIX B

Citations to NASA Authorization and Appropriation Acts

Fiscal year 1959:

Authorization acts:

- Public Law 85-568 [sec. 302, 307] (72 Stat. 433, 438), July 29, 1958.
- Public Law 85-617 (72 Stat. 546), August 8, 1958.
- Public Law 85-657 (72 Stat. 613), August 14, 1958.
- Public Law 86-12 (73 Stat. 16), April 22, 1959.

Appropriation acts:

- Public Law 85-766 (72 Stat. 873), August 27, 1958.
- Public Law 85-844 (72 Stat. 1071), August 28, 1958.
- Public Law 86-30 (73 Stat. 56), May 20, 1959.
- Public Law 86-213 (73 Stat. 438), September 1, 1959.

Fiscal year 1960:

- Authorization act: Public Law 86-45 (73 Stat. 73), June 15, 1959.

Appropriation acts:

- Public Law 86-213 (73 Stat. 438), September 1, 1959.
- Public Law 86-425 (73 Stat. 53), April 14, 1960.

Fiscal year 1961:

- Authorization act: Public Law 86-481 (74 Stat. 151), June 1, 1960.

Appropriation acts:

- Public Law 86-626 (74 Stat. 436), July 12, 1960.
- Public Law 87-14 (75 Stat. 25), March 31, 1961.
- Public Law 85-568 [sec. 302] (72 Stat. 433), July 29, 1958.

Fiscal year 1962:

Authorization acts:

- Public Law 87-98 (75 Stat. 216), July 21, 1961.
- Public Law 87-584 (76 Stat. 382), August 14, 1962.

Appropriation acts:

- Public Law 87-141 (75 Stat. 355), August 17, 1961.
- Public Law 87-332 (75 Stat. 742), September 30, 1961.
- Public Law 87-545 (76 Stat. 212), July 25, 1962.

Fiscal year 1963:

- Authorization act: Public Law 87-584 (76 Stat. 382), August 14, 1962.

- Appropriation act: Public Law 87-741 (76 Stat. 730), October 3, 1962.

Fiscal year 1964:

- Authorization act: Public Law 88-113 (77 Stat. 141), September 6, 1963.

Appropriation acts:

- Public Law 88-215 (77 Stat. 425), December 19, 1963.
- Public Law 88-507 (78 Stat. 640), August 30, 1964.

Fiscal year 1965:

- Authorization act: Public Law 88-369 (78 Stat. 310), July 11, 1964.

- Appropriation act: Public Law 88-507 (78 Stat. 640), August 30, 1964.

Fiscal year 1966:

- Authorization act: Public Law 89-53 (79 Stat. 192), June 28, 1965.

- Appropriation act: Public Law 89-128 (79 Stat. 520), August 16, 1965.

Fiscal year 1967:

- Authorization act: Public Law 89-528 (80 Stat. 336), August 5, 1966.

- Appropriation act: Public Law 89-555 (80 Stat. 663), September 6, 1966.

Fiscal year 1968:

- Authorization act: Public Law 90-67 (81 Stat. 168), August 21, 1967.

- Appropriation act: Public Law 90-131 (81 Stat. 384), November 8, 1967.

Fiscal year 1969:

- Authorization act: Public Law 90-373 (82 Stat. 280), July 3, 1968.

- Appropriation act: Public Law 90-550 (82 Stat. 937, 945), October 4, 1968.

Fiscal year 1970:

- Authorization act: Public Law 91-119 (83 Stat. 196), November 18, 1969.

- Appropriation act: Public Law 91-126 (83 Stat. 221), November 26, 1969.
- Fiscal year 1971:
- Authorization act: Public Law 91-303 (84 Stat. 368), July 2, 1970.
- Appropriation act: Public Law 91-556 (84 Stat. 1442), December 17, 1970.
- Fiscal year 1972:
- Authorization act: Public Law 92-68 (85 Stat. 174), August 6, 1971.
- Appropriation act: Public Law 92-78 (85 Stat. 271), August 10, 1971.
- Fiscal year 1973:
- Authorization act: Public Law 92-304 (86 Stat. 157), May 19, 1972.
- Appropriation act: Public Law 92-383 (86 Stat. 540), August 14, 1972.
- Fiscal year 1974:
- Authorization act: Public Law 93-74 (87 Stat. 171), July 23, 1973.
- Appropriation act: Public Law 93-137 (87 Stat. 491), October 26, 1973.
- Fiscal year 1975:
- Authorization act: Public Law 93-316 (88 Stat. 240), June 22, 1974.
- Appropriation acts:
- Public Law 93-322 (88 Stat. 276), June 30, 1974.
- Public Law 93-414 (88 Stat. 1095), September 6, 1974.
- Fiscal year 1976 and Transition Period:
- Authorization act: Public Law 94-39 (89 Stat. 218), June 19, 1975.
- Appropriation act: Public Law 94-116 (89 Stat. 581), October 17, 1975.
- Fiscal year 1977:
- Authorization act: Public Law 94-307 (90 Stat. 677), June 4, 1976.
- Appropriation acts:
- Public Law 94-378 (90 Stat. 1095), August 9, 1976.
- Public Law 95-26 (91 Stat. 61), May 4, 1977.
- Public Law 95-29 (91 Stat. 122), May 13, 1977.
- Fiscal year 1978:
- Authorization act: Public Law 95-76 (91 Stat. 312), July 30, 1977.
- Appropriation act: Public Law 95-119 (91 Stat. 1073), October 24, 1977.
- Fiscal year 1979:
- Authorization act: Public Law 95-401 (92 Stat. 857), September 30, 1978.
- Appropriation act: Public Law 95-392 (92 Stat. 791), September 30, 1978.
- Fiscal year 1980:
- Authorization act: Public Law 96-48 (93 Stat. 345), August 8, 1979.
- Appropriation act: Public Law 96-103 (93 Stat. 771), November 5, 1979.
- Fiscal year 1981:
- Authorization act: Public Law 96-316 (94 Stat. 960), July 30, 1980.
- Appropriation acts:
- Public Law 96-526 (94 Stat. 3045), December 15, 1980.
- Public Law 97-12 (95 Stat. 14), June 5, 1981. (Supplemental Appropriations and Rescission Act.)
- Fiscal year 1982:
- Authorization act: Public Law 97-96 (95 Stat. 1210), December 21, 1981.
- Appropriation acts:
- Public Law 97-101 (95 Stat. 1417), December 23, 1981.
- Public Law 97-216 (97 Stat. 180), July 19, 1982. (Urgent Supplemental Appropriation Act.)
- Fiscal year 1983:
- Authorization act: Public Law 97-324 (96 Stat. 1597), October 15, 1982.
- Appropriation act: Public Law 97-272 (96 Stat. 1160), September 30, 1982.
- Fiscal year 1984:
- Authorization act: Public Law 98-52 (97 Stat. 281), July 15, 1983.
- Appropriation act: Public Law 98-45 (97 Stat. 219), July 12, 1983.

APPENDIX C

NASA Authorization and Appropriation Acts—Fiscal Years 1979-84

NASA Authorization Act—Fiscal Year 1979 (Public Law 95-401, September 30, 1978)

AN ACT to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes

Sept. 30, 1978
[H.R. 11401] 92
Stat. 857.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1978:

National
Aeronautics and
Space
Administration
Authorization
Act, 1979.
Research and
development.

(a) For "Research and development", for the following programs:

- (1) Space Shuttle, \$1,443,300,000;
- (2) Space flight operations, \$315,900,000;
- (3) Expendable launch vehicles, \$74,000,000;
- (4) Physics and astronomy, \$285,500,000;
- (5) Lunar and planetary exploration, \$187,100,000;
- (6) Life sciences, \$42,600,000;
- (7) Space applications, \$280,300,000;
- (8) Technology utilization, \$12,100,000;
- (9) Aeronautical research and technology, \$275,100,000;
- (10) Space research and technology, \$111,300,000;
- (11) Energy technology applications, \$5,000,000;
- and
- (12) Tracking and data acquisition, \$305,400,000;

(b) For "Construction of facilities", including land acquisition, as follows:

Construction of
facilities.

- (1) Modification of unitary plan wind tunnel, Ames Research Center, \$5,390,000;
- (2) Modification of 3.5-foot wind tunnel, Ames Research Center, \$1,870,000;
- (3) Modification of 12-foot pressure wind tunnel, Ames Research Center, \$2,510,000;
- (4) Modifications and additions for logistic and supply functions, Goddard Space Flight Center, \$5,640,000;
- (5) Modifications and addition to the space flight operations facility, Jet Propulsion Laboratory, \$3,060,000;

(6) Modifications to various buildings for seismic protection, Jet Propulsion Laboratory, \$1,570,000;

(7) Modifications for utility control system, Langley Research Center, \$1,980,000;

(8) Rehabilitation of unitary plan wind tunnel, Langley Research Center, \$4,520,000;

(9) Construction of research analysis center, Lewis Research Center, \$6,140,000;

(10) Large aeronautical facility; construction of national transonic facility, Langley Research Center, \$24,500,000;

(11) Large aeronautical facility; modification of 40- by 80-foot subsonic wind tunnel, Ames Research Center, \$31,600,000;

(12) Space Shuttle facilities at various locations as follows:

(A) Modifications to launch complex 39, John F. Kennedy Space Center, \$13,570,000;

(B) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, \$13,980,000;

(C) Modifications to solid rocket motor manufacturing and assembly facilities, Thiokol Plant, Wasatch, Utah, \$1,920,000;

(D) Minor Shuttle-unique projects, various locations, \$1,600,000;

(13) Rehabilitation and modification of facilities at various locations, not in excess of \$500,000 per project, \$15,300,000;

(14) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$250,000 per project, \$4,200,000; and

(15) Facility planning and design not otherwise provided for, \$10,650,000;

Research and
program
management.

(c) For "Research and program management", \$914,000,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Program
specifications.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made

under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

Notice to Speaker of the House, President of the Senate, and congressional committees.

(e) When so specified and to the extent provided in an appropriation act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of 12 months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not exceed \$25,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

Scientific consultations of extraordinary expenses.

(g) Of the funds appropriate pursuant to subsections 1(a) and 1(c), not in excess of \$25,000 for each project, including collateral equipment may be used for construction of new facilities and additions to existing facilities and not in excess of \$50,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection 1(a), not in excess of \$250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

Limitations.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (14), inclusive of subsection 1(b)—

Construction cost variations.

(1) in the discretion of the Administrator or his designee may be varied upward 10 percent, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent.

Report to congressional committees.

to meet unusual cost variations but the total cost of all work authorized under such paragraphs shall not

exceed the total of the amounts specified in such paragraphs.

Transfer of funds.

SEC. 3. Not to exceed one-half of 1 percent of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with \$10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (15) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of 30 days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Report to Speaker of the House, President of the Senate, and congressional committees.

SEC. 4. Notwithstanding any other provision of this Act—

Use of funds, restrictions.

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation.

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee, unless (A) a period of 30 days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Notice to Speaker of the House and President of the Senate and congressional committees.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Research funds, geographical distribution, 42 USC 2459 note.

SEC. 6. Section 203 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2473) is amended—

(1) by inserting "(1)" after "(b)" in the subsection which was added by section 15(c) of Public Law 94-413; and

42 USC 2473.

(2) by redesignating the subsection which was added by section 4 of Public Law 93-409 (and redesignated by section 15(c) of Public Law 94-413) as paragraph (2) of subsection (b).

42 USC 2473.

SEC. 7. (a) Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended (1) by redesignating subsection (f) as subsection (g) thereof; and (2) by inserting immediately after subsection (e) thereof the following new subsection.

"(f) The Congress declares that the general welfare of the United States requires that the unique competence of the National Aeronautics and Space Administration in science and engineering systems be directed to assisting in bioengineering research, development, and demonstration programs designed to alleviate and minimize the effects of disability."

Bioengineering research, development, and demonstration programs.

(b) The subsection of section 102 of such Act redesignated as subsection (g) by subsection (a) of this section is amended by striking out "and (e)" and inserting in lieu thereof "(e), and (f)".

Report to congressional committees. 42 USC 2462 note. Short title.

SEC. 8. The Administrator of the National Aeronautics and Space Administration will report to the House Committee on Science and Technology and the Senate Committee on Commerce, Science, and Transportation no later than December 31, 1978, on the Administration policy regarding conflicts of interest, standards of conduct and financial disclosure and the implementation of that policy.

SEC. 9. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1979".

Approved September 30, 1978.

NASA Appropriation Act—Fiscal Year 1979 (Public Law 95-392, Sept. 30, 1978)

Sept. 30, 1978
[H.R. 12936] 92
Stat. 791.

AN ACT Making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1979, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1979, and for other purposes, namely:

Department of
Housing and
Urban
Development-
Independent
Agencies
Appropriation
Act, 1979.

* * * * *

TITLE II

INDEPENDENT AGENCIES

* * * * *

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; and purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration \$3,292,200,000, to remain available until September 30, 1980.

CONSTRUCTION OF FACILITIES

For construction, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, \$147,500,000, to remain available until September 30, 1981: *Provided, That,* notwithstanding the limitation

on the availability of funds appropriated under this head by this appropriation Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in Government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards; purchase (not to exceed one, for replacement only of one or more existing aircraft, at least one of which shall be an administrative aircraft, which existing aircraft may be exchanged in part payment), hire, maintenance and operation of administrative aircraft; purchase (not to exceed twenty-nine for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of \$25,000 per project for construction of new facilities and additions to existing facilities, and not in excess of \$50,000 per project for rehabilitation and modification of facilities; \$910,500,000: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That not to exceed \$25,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

* * * * *

TITLE IV

GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I and II of this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment

Travel expenses.

of medical beneficiaries of the Veterans Administration; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That the limitations may be increased by the Secretary when necessary to allow for travel performed by employees of the Department of Housing and Urban Development as a result of increased Federal Housing Administration inspection and appraisal workload.

Uniforms.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

Legal and
banking
services 31 USC
841 note 12 USC
1749a

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

Audit.

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such an audit.

Certain
government
transportation,
prohibition.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development,

who, under title 5, United States Code, section 101, is exempted from such limitations.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals for projects not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

Research projects.

SEC. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

This Act may be cited as the "Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1979".

5 USC 5332 note. Short title.

Fiscal Year 1980 Authorization Act, Public Law 96-48, Aug. 8, 1979 (93 Stat. 345)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1979:

National Aeronautics and Space Administration Authorization Act, 1980.

(a) For "Research and development," for the following programs:

- (1) Space Shuttle, \$1,586,000,000;
- (2) Space flight operations, \$463,300,000;
- (3) Expendable launch vehicles, \$70,700,000;
- (4) Physics and astronomy, \$337,500,000;
- (5) Planetary exploration, \$220,200,000;
- (6) Life sciences, \$43,500,000;
- (7) Space applications, \$338,300,000;
- (8) Technology utilization, \$12,100,000;
- (9) Aeronautical research and technology, \$309,300,000;
- (10) Space research and technology, \$119,400,000;
- (11) Energy technology, \$5,000,000; and
- (12) Tracking and data acquisition, \$332,800,000.

(b) For "Construction of facilities," including land acquisition, as follows:

- (1) Modification of static test facility, Ames Research Center, \$2,900,000;
- (2) Construction of large aircraft maintenance dock, Hugh L. Dryden Flight Research Center, \$1,500,000;
- (3) Rehabilitation and modification of flight operations facilities, Ellington Air Force Base, \$12,760,000;

(4) Modifications to central instrumentation facility, John F. Kennedy Space Center, \$1,260,000;

(5) Modifications to operations and checkout building, John F. Kennedy Space Center, \$950,000;

(6) Rehabilitation of roof, launch control center, John F. Kennedy Space Center, \$600,000;

(7) Modifications of model support system 8-foot high temperature structures tunnel, Langley Research Center, \$1,410,000;

(8) Modifications to 8-foot transonic pressure tunnel, Langley Research Center, \$2,000,000;

(9) Modifications of transonic dynamics tunnel, Langley Research Center, \$970,000;

(10) Rehabilitation and modification of gas dynamics laboratory, Langley Research Center, \$3,600,000;

(11) Modifications to central air system, various buildings, Lewis Research Center, \$5,720,000;

(12) Modifications to various buildings, Marshall Space Flight Center, \$2,640,000;

(13) Rehabilitation of roofs, various buildings, Marshall Space Flight Center, \$90,000;

(14) Rehabilitation of roof, Phase I, building 103, Michoud Assembly Facility, \$3,100,000;

(15) Construction of facilities operations shop building, Wallops Flight Center, \$1,100,000;

(16) Large aeronautical facility: construction of national transonic facility, Langley Research Center, \$12,000,000;

(17) Large aeronautical facility: modification of 40- by 80-foot subsonic wind tunnel, Ames Research Center, \$33,900,000;

(18) Space Shuttle facilities at various locations as follows:

(A) Modifications to launch complex 39, John F. Kennedy Space Center, \$17,100,000;

(B) Modifications to crawler transporter maintenance facility, John F. Kennedy Space Center, \$1,250,000;

(C) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, \$6,900,000;

(D) Minor Shuttle-unique projects, various locations, \$2,500,000;

(19) Space Shuttle payload facilities at various locations as follows:

(A) Rehabilitation and modification for payload ground support operations, John F. Kennedy Space Center, \$2,610,000;

(B) Modification and addition to materials sciences laboratory, Ames Research Center, \$1,640,000;

(20) Repair of facilities at various locations, not in excess of \$500,000 per project, \$12,000,000;

(21) Rehabilitation and modification of facilities at various locations, not in excess of \$500,000 per project, \$19,790,000;

(22) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$250,000 per project, \$3,500,000; and

(23) Facility planning and design not otherwise provided for, \$14,000,000.

(c) For "Research and program management," \$964,900,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Research and
program
management.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

Research and
development.

(e) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of 12 months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed \$25,000, for scientific

Scientific
consultations or
extraordinary
expenses.

consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of \$75,000 for each project, including collateral equipment, maybe used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection 1(a), not in excess of \$250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (22), inclusive, of subsection 1(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent,

Report to
congressional
committees.

Limitations.

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Transfer of
funds.

SEC. 3. Not to exceed one-half of 1 percent of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with \$10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (23) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of 30 days has passed after the Administrator or his designee

has transmitted to the Speaker of the House of Representatives and to the President of the Senate and the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction expansion or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee, unless (A) a period of 30 days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration to be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. (a) Paragraph 13 of subsection (c) of section 203 of the National Aeronautics And Space Act of 1958, as amended (42 U.S.C. 2473(c)(13)), is amended by striking out "\$5,000" where it appears and inserting in lieu thereof "\$25,000".

Federal
research funds,
geographical
distribution. 42
USC 2459 note.

42 USC 2459.

(b) The National Aeronautics and Space Act of 1958, as amended, is amended (1) by redesignating section 308 as section 309 thereof; and (2) by inserting the following new section:

“INSURANCE AND INDEMNIFICATION

Liability
insurance. 42
USC 2458b.

“SEC. 308. (a) The Administration is authorized on such terms and to the extent it may deem appropriate to provide liability insurance for any user of a space vehicle to compensate all or a portion of claims by third parties for death, bodily injury, or loss of or damage to property resulting from activities carried on in connection with the launch, operations or recovery of the space vehicle. Appropriations available to the Administration may be used to acquire such insurance, but such appropriations shall be reimbursed to the maximum extent practicable by the users under reimbursement policies established pursuant to section 203(c) of this Act.

Ante, p. 348.

“(b) Under such regulations in conformity with this section as the Administrator shall prescribe taking into account the availability, cost and terms of liability insurance, any agreement between the Administration and a user of a space vehicle may provide that the United States will indemnify the user against claims (including reasonable expenses of litigation or settlement) by third parties for death, bodily injury, or loss of or damage to property resulting from activities carried on in connection with the launch, operations or recovery of the space vehicle, but only to the extent that such claims are not compensated by liability insurance of the user: *Provided*, That such indemnification may be limited to claims resulting from other than the actual negligence or willful misconduct of the user.

“(c) An agreement made under subsection (b) that provides indemnification must also provide for—

“(1) notice of the United States of any claim or suit against the user for the death, bodily injury, or loss of or damage to the property; and

“(2) control of or assistance in the defense by the United States, at its election, of that suit or claim.

“(d) No payment may be made under subsection (b) unless the Administrator or his designee certifies that the amount is just and reasonable.

“(e) Upon the approval by the Administrator, payments under subsection (b) may be made, at the Administrator's election, either from funds available for research and development not otherwise obligated or from funds appropriated for such payments.

Definitions.

“(f) As used in this section—

“(1) the term ‘space vehicle’ means an object intended for launch, launched or assembled in outer space, including the Space Shuttle and other com-

ponents of a space transportation system, together with related equipment, devices, components and parts;

"(2) the term 'user' includes anyone who enters into an agreement with the Administration for use of all or a portion of a space vehicle, who owns or provides property to be flown on a space vehicle, or who employs a person to be flown on a space vehicle; and

(Approved August 8, 1980.)

*Fiscal Year 1980 Appropriation Act, Public Law 96-103,
Nov. 5, 1979 (93 Stat. 771)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1980, and for other purposes, namely:

Department of
Housing and
Urban
Development-
Independent
Agencies
Appropriation
Act, 1980.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; and including not to exceed \$116,100,000 for Project Galileo and not to exceed \$18,300,000 for space transportation system upper stages, without the approval of the Committees on Appropriations, \$3,807,500,000, to remain available until September 30, 1981.

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, \$156,100,000, to remain available until September 30, 1982: *Provided, That, notwithstanding the limitation on the availability of funds appropriated*

under this head by this appropriation Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards; hire, maintenance and operation of administrative aircraft; purchase (not to exceed thirty-two for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of \$75,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of facilities; \$959,900,000: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That not to exceed \$25,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

* * * * *

TITLE IV

GENERAL PROVISIONS

Travel
expenses.

SEC. 401. Where appropriations in titles I and II of this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That the limitations may be increased by the Secretary when necessary to allow for travel performed by

employees of the Department of Housing and Urban Development as a result of increased Federal Housing Administration inspection and appraisal workload.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

Legal services.
31 USC 841
note, 12 USC
1749a.

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such an audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development, who, under title 5, United States Code, section 101, is exempted from such limitations.

Certain
government
transportation,
prohibition.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting re-

Research
projects.

search resulting from proposals for projects not specifically solicited by the Government: *Provided, That* the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

44 FR 58671.

SEC. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

SEC. 409. No part of any appropriation for the fiscal year ending September 30, 1980, contained in this or any other Act shall be used to contract with private firms to provide plant care or watering services.

Short title.

This Act may be cited as the "Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1980".

(Approved November 5, 1979.)

Fiscal year 1981 Authorization Act, Public Law 96-316, July 30, 1980 (94 Stat. 960)

National
Aeronautics and
Space
Administration
Authorization
Act, 1981.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1980:

(a) For "Research and development", for the following programs:

- (1) Space Shuttle, \$1,873,000,000;
- (2) Space flight operations, \$779,500,000;
- (3) Expendable launch vehicles, \$55,700,000;
- (4) Physics and astronomy, \$352,700,000;
- (5) Planetary exploration, \$179,600,000;
- (6) Life sciences, \$45,200,000;
- (7) Space applications, \$378,700,000;
- (8) Technology utilization, \$12,600,000;
- (9) Aeronautical research and technology, \$290,800,000;
- (10) Space research technology, \$115,200,000;
- (11) Energy technology, \$4,000,000; and
- (12) Tracking and data acquisition, \$349,750,000.

Facilities,
construction.

(b) For "Construction of facilities", including land acquisition, as follows:

- (1) Construction of man-vehicle systems research facility, Ames Research Center, \$7,480,000;
- (2) Modification of steam ejector system and thermal protection laboratory, Ames Research Center, \$2,300,000;
- (3) Modification of the unitary plan wind tunnel, Ames Research Center, \$3,400,000;

(4) Modifications to various buildings for energy conservation, Jet Propulsion Laboratory, \$1,500,000;

(5) Modifications to various buildings for seismic protection, Jet Propulsion Laboratory, \$2,000,000;

(6) Rehabilitation of high temperature hot water system, zone 2, industrial area, John F. Kennedy Space Center, \$760,000;

(7) Modifications for avionics integration research laboratory, Langley Research Center, \$5,756,000;

(8) Modifications to aircraft landing dynamics facility, Langley Research Center, \$15,000,000;

(9) Rehabilitation and modification of gas dynamics laboratory, Langley Research Center, \$2,000,000;

(10) Decommissioning of Plum Brook Station reactor facility, Lewis Research Center, \$1,000,000;

(11) Modifications to central air system, various buildings, Lewis Research Center, \$7,655,000;

(12) Rehabilitation of electrical switchgear, engine research building, Lewis Research Center, \$1,700,000;

(13) Rehabilitation of roof, Phase II, Building 103, Michoud Assembly Facility, \$3,800,000;

(14) Rehabilitation of chilled water system, Michoud Assembly Facility, \$782,000;

(15) Modification of 26-meter antenna, DSS-44, Canberra, Australia, \$1,200,000;

(16) Replacement of azimuth radial bearing, DSS-14, Goldstone, California, \$950,000;

(17) Space Shuttle facilities at various locations as follows:

(A) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, \$5,400,000;

(B) Modifications to solid rocket motor manufacturing and assembly facilities, Thiokol plant, Wasatch, Utah, \$2,700,000;

(C) Minor Shuttle-unique projects, various locations, \$2,000,000;

(18) Space Shuttle payload facility: Rehabilitation and modification for payload ground support operations, John F. Kennedy Space Center, \$1,617,000;

(19) Repair of facilities at various locations, not in excess of \$500,000 per project, \$15,000,000;

(20) Rehabilitation and modification of facilities at various locations, not in excess of \$500,000 per project, \$20,000,000;

(21) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$250,000 per project, \$4,000,000; and

(22) Facility planning and design not otherwise provided for, \$10,000,000.

(c) For "Research and program management", \$1,033,154,000 and such additional or supplemental amounts as may be necessary for increase in salary,

Research and
program
management.

pay, retirement, or other employee benefits authorized by law.

Research and development.

(d) Notwithstanding the provisions of subsection 1(g), appropriations hereby authorized for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

Scientific consultations or extraordinary expenses.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed \$25,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of \$75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection 1(a), not in excess of \$250,000 for

each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (21), inclusive, of subsection 1(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent,

Report to
congressional
committees.

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 percent of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with \$10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (22) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each

Transfer of
funds.

such committee before the expiration of such period has transmitted to the administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee, unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Federal
research funds,
geographical
distribution. 42
USC 2459 note.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Short title.

SEC. 6. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1981".

(Approved July 30, 1980.)

*Fiscal year 1981 Appropriation Act, Public Law 96-526,
Dec. 15, 1980 (94 Stat. 3044)*

Department of
Housing and
Urban
Development-
Independent
Agencies
Appropriation
Act, 1981.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal

year ending September 30, 1981, and for other purposes, namely:

* * * * *

National Aeronautics and Space Administration

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; and including not to exceed (1) \$29,000,000 for Space Transportation Systems Upper Stages, (2) \$30,900,000 for Space Transportation Systems Operations—Upper Stages, (3) \$119,300,000 for the Space Telescope, (4) \$39,600,000 for the International Solar Polar Mission, (5) \$19,100,000 for the Gamma Ray Observatory, (6) \$63,100,000 for Project Galileo, (7) \$88,500,000 for Landsat D, (8) \$1,873,000,000 for the Space Shuttle, and (9) \$149,700,000 for Spacelab, without the approval of the Committees on Appropriations, \$4,396,200,000 to remain available until September 30, 1982.

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, \$115,000,000, to remain available until September 30, 1983: *Provided*, That, notwithstanding the limitation on the availability of funds appropriated under this head by this appropriation Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in government laboratories, management of programs and other activi-

ties of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards; purchase (for replacement only, of one aircraft, for which partial payment may be made by exchange of at least one existing administrative aircraft and such other existing aircraft as may be considered appropriate), hire, maintenance and operation of administrative aircraft; purchase (not to exceed thirty-six for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of \$75,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of facilities; \$1,030,000,000: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provide further*, That not to exceed \$25,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

TITLE IV

GENERAL PROVISIONS

Travel expenses
Ante, pp. 3044,
3050.

SEC. 401. Where appropriations in titles I and II of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Disaster Relief Act of 1974; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That the limitations may be increased by the Secretary when necessary to allow for travel performed by employees of the Department of Housing and Urban Development as a result of increased Federal Housing Administration inspection and appraisal workload.

42 USC 5121
note.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as author-

ized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

Legal services.
31 USC 841
note. 12 USC
1749a.

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Certain
government
transportation,
prohibition.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such an audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development, who, under title 5, United States Code, section 101, is exempted from such limitations.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

Research
projects.

SEC. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consult-

ant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

SEC. 409. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations without the approval of the Committees on Appropriations.

SEC. 410. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

Consulting
service
contracts.
Public record,
availability.

SEC. 411. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 412. Notwithstanding any other provision of this Act, the total budget authority provided by this Act for payments not required by law shall be reduced by 2 per centum: *Provided*, That of the amount provided in this Act for each appropriation account, activity, and project for payments not required by law, the amount reduced shall not exceed 3 per centum: *Provided further*, That this section shall not apply to budget authority provided by this Act for the Veterans Administration.

SEC. 413. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain

information concerning (A) the contract pursuant to which the report was prepared and (B) the contractor who prepared the report pursuant to such contract.

Sec. 414. (a) No appropriations made available in this Act shall be obligated in a manner that would cause obligations from the total budget authority available to any department or establishment, as defined in section 2 of the Budget and Accounting Act 1921, or any major administrative subdivision thereof, during the fiscal year ending September 30, 1981, to exceed 30 per centum for the last quarter of such fiscal year or 15 per centum for any month in the last quarter of such fiscal year. The Director of the Office of Management and Budget may waive the requirements of the preceding sentence with respect to any program or activity if the Director determines in writing that the waiver is necessary to avoid a serious disruption in carrying out such program or activity.

31 USC 2.

(b) Not later than forty-five days after the end of each quarter of the fiscal year, the head of each department and establishment shall submit a report to the Committees on Appropriations and to the Director of the Office of Management and Budget, specifying the amount of obligations incurred during the quarter and the percentage of total available budget authority for the fiscal year which the obligations constitute.

Report
submittal.

(c) The Director of the Office of Management and Budget shall keep the Committees on Appropriations fully informed of actions taken to carry out the requirements of this section, including any waivers granted, and shall promptly report in writing any situation in which the obligations of any department and establishment exceed such requirements other than pursuant to a waiver. Not later than December 31, 1981, the Director shall submit a report to the Committees on Appropriations on the results of the requirements of this section and actions taken under this section, including the effects upon procurement and apportionment processes, together with any recommendations the Director considers appropriate. Concurrent with the submittal of the report to the Committees on Appropriations under the preceding sentence, the Director shall submit a copy of such report to the Comptroller General, who shall promptly review that report and submit to the Committees on Appropriations an analysis of the report and any recommendations which the Comptroller General considers appropriate.

Report to
congressional
committees.

Report to
Comptroller
General.
Review.

Sec. 415. All unresolved audits currently pending within agencies and departments, for which appropriations are made under this Act, shall be resolved not later than September 30, 1981. Any new audits involving questioned expenditures, arising after the enactment of this Act shall be resolved within six months of completing the initial audit report.

Audits.

Debt collection.

SEC. 416. Each department and agency for which appropriations are made under this Act shall take immediate action (1) to improve the collection of overdue debts owed to the United States within the jurisdiction of that department or agency; (2) to bill interest on delinquent debts as required by the Federal Claims Collection Standards; and (3) to reduce amounts of such debts written off as uncollectible.

OUTLAY SCHEDULES AND REPORTS

Submittal to
congressional
committees.

SEC. 417. Departments and independent agencies receiving appropriations in excess of \$50,000,000 under this Act shall, within thirty days following enactment, submit to the Committees on Appropriations of the two Houses of Congress a schedule of anticipated outlays for each month of the fiscal year beginning October 1, 1980. These departments and agencies shall also submit to the Appropriations Committees, within thirty days after the end of each calendar quarter, reports showing actual outlays for the preceding quarter and any necessary changes in the schedule of outlays originally submitted. In the event a department or agency determines that its total outlays during the fiscal year will vary by more than 1 per centum from the total projected in its original schedule, it shall immediately submit to the Committee on Appropriations of the two Houses a revised schedule. Unless disapproved by both of the Appropriations Committees within fifteen legislative days after submission, the department or agency may implement the revised outlay schedule. Departments and independent agencies shall submit copies of the outlay schedules and reports required herein to the Congressional Budget Office concurrently with their submission to the House and Senate Committees on Appropriations. The Congressional Budget Office shall analyze these schedules and reports and assess their implications for Congressional budget and appropriations policies and submit the results of its analyses on a timely basis to the Committees on Appropriations and Budgets of the two Houses of Congress.

Schedule
implementation.

Submittal to
congressional
committees.

Report analysis.

SEC. 418. Notwithstanding any other provision of this Act, any amount appropriated by this Act for the fiscal year ending September 30, 1981, for any department, agency, or instrumentality of the United States Government, which is available to pay for or conduct advertising or public relations activities is reduced by 10 per centum: *Provided*, That this section shall not apply to funds provided for the Veterans Administration.

Short title.

This Act may be cited as the "Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1981".

(Approved December 15, 1980.)

Fiscal Year 1981 Supplemental Appropriations and Rescission Act, Public Law 97-12, June 5, 1981 (95 Stat. 14)

AN ACT making supplemental and further continuing appropriations for the fiscal year ending september 30, 1981, rescinding certain budget authority, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Supplemental Appropriations and Rescission Act, 1981") for the fiscal year ending September 30, 1981, that the following rescissions of budget authority are made, and for other purposes, namely:

Supplemental
Appropriations
and Rescission
Act, 1981.

TITLE I

* * * * *

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds appropriated under this head in the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1981, \$4,500,000 are rescinded.

94 Stat. 3054.

* * * * *

TITLE II

INCREASED PAY COSTS FOR THE FISCAL YEAR 1981

For additional amounts for appropriations for the fiscal year 1981, for increased pay costs authorized by or pursuant to law as follows:

* * * * *

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

"Research and program management", \$41,400,000;

TITLE III

GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 302. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropri-

Increased pay
costs.

ations or other funds, available during the fiscal year 1981, limiting the amounts which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

94 Stat. 3044.

SEC. 303. No part of any appropriation contained in this Act for departments and agencies funded in the Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1981, for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations without the approval of the Committees on Appropriations.

SEC. 304. The Social Security System is vital to the well-being of the Nation's elderly and disabled citizens and currently provides benefits to about 35 million Americans.

The Social Security System faces serious short-term and long-term financing problems that jeopardize the payment of benefits.

It is essential that Congress act forthrightly to address the Social Security financing problem and to restore the American people's confidence in the system.

Any resolution to this problem will have come as a result of a bipartisan effort.

It is the sense of the Congress that Congress should carefully study all options in order to find the most equitable solution to insuring the fiscal integrity of the system.

That Congress shall not precipitously and unfairly reduce early retirees' benefits.

That Congress will enact reforms necessary to ensure the short-term and long-term solvency of the Social Security System but will not support reductions in benefits which exceed those necessary to achieve a financially sound system and the well being of all retired Americans.

Surplus
agricultural
commodities,
sale.

SEC. 305. None of the funds in the Act shall be used to prevent or interfere with the right and obligation of the Commodity Credit Corporation to sell surplus agricultural commodities in World Trade at competitive prices as authorized by law.

*Fiscal Year 1982 Authorization Act, Public Law 97-96,
Dec. 21, 1981 (95 Stat. 1207)*

National
Aeronautics and
Space
Administration
Authorization
Act, 1982.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1981:

(a) For "Research and development", for the following programs:

- (1) Space Shuttle, \$2,189,000,000;
- (2) Space flight operations, \$907,900,000;
- (3) Expendable launch vehicles, \$31,200,000;
- (4) Physics and astronomy, \$333 400,000;
- (5) Planetary exploration, \$215,300,000;
- (6) Life sciences, \$43,500,000;
- (7) Space applications, \$398,600,000;
- (8) Technology utilization, \$12,600,000;
- (9) Aeronautical research and technology, \$284,800,000;
- (10) Space research and technology, \$129,300,000; and
- (11) Tracking and data acquisition, \$408,180,000.

(b) For "Construction of facilities", including land acquisition, as follows:

Facilities
construction.

- (1) Modification of 12-foot pressure wind tunnel, Ames Research Center, \$18,500,000;
- (2) Modifications to space flight operations facility, Jet Propulsion Laboratory, \$9,300,000;
- (3) Rehabilitation of utility control system, various buildings, Lyndon B. Johnson Space Center, \$680,000;
- (4) Construction of waste material incinerator, John F. Kennedy Space Center, \$895,000;
- (5) Repair of operations and checkout building roof, John F. Kennedy Space Center, \$825,000;
- (6) Modifications for enhanced 20-inch supersonic wind tunnel, Langley Research Center, \$2,950,000;
- (7) Modifications for high pressure turbine corrosion and thermal fatigue testing, Lewis Research Center, \$1,200,000;
- (8) Modification and relocation of 26-meter antenna, STDN, Goldstone, California, \$4,700,000;
- (9) Relocation of DSS-44 Antenna to Tidbinbilla, Australia, \$2,200,000;
- (10) Space Shuttle facilities at various locations as follows:
 - (A) Construction of solid rocket booster processing and segment storage facilities, John F. Kennedy Space Center, \$12,400,000;
 - (B) Modifications to firing rooms, John F. Kennedy Space Center, \$3,100,000;
 - (C) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, \$2,785,000;
 - (D) Modifications to Building 30 for Shuttle operations, Lyndon B. Johnson Space Center, \$650,000;
 - (E) Minor Shuttle-unique projects, various locations, \$1,115,000;
- (11) Repair of facilities at various locations, not in excess of \$500,000 per project, \$12,800,000;

(12) Rehabilitation and modification of facilities at various locations, not in excess of \$500,000 per project, \$17,700,000;

(13) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$250,000 per project, \$2,320,000; and

(14) Facility planning and design not otherwise provided for, \$10,000,000.

Research and
program
management.

(c) For "Research and program management", \$1,114,300,000 and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Research and
development.

(d) Notwithstanding the provisions of subsection 1(g), appropriations hereby authorized for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of 12 months beginning at any time during the fiscal year.

Scientific
consultations or
extraordinary
expenses

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed \$25,000, for scientific

consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of \$75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection 1(a), not in excess of \$250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (13), inclusive, of subsection 1(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

SEC. 3. Not to exceed one-half of 1 percent of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with \$10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (14) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of 30 days has passed after the Administrator or his designee

Report to congressional committees.

Transfer of funds.

Report to congressional committees.

has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (i) the nature of such construction, expansion, or modification, (ii) the cost thereof including the cost of any real estate action pertaining thereto, and (iii) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation.

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee, unless (A) a period of 30 days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Notification to congressional committees.

Federal research funds, geographical distribution. 42 USC 2459 note.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

SEC. 6. Section 7 of title 18, United State Code, is amended by inserting at the end thereof the following new paragraph:

“(6) Any vehicle used or designed for flight or navigation in space and on the registry of the United States pursuant to the Treaty on Principles

Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies and the Convention on Registration of Objects Launched into Outer Space while that vehicle is in flight, which is from the moment when all external doors are closed on Earth following embarkation until the moment when one such door is opened on Earth for disembarkation or in the case of a forced landing, until the competent authorities take over the responsibility for the vehicle and for persons and property aboard."

SEC. 7. The National Aeronautics and Space Act of 1958, as amended, is amended by inserting at the end of section 305, the following new subsections: 42 USC 2451
note, 42 USC
2457.

"(k) Any object intended for launch, launched, or assembled in outer space shall be considered a vehicle for the purpose of section 272 of title 35, United States Code.

"(l) The use or manufacture of any patented invention incorporated in a space vehicle launched by the United States Government for a person other than the United States shall not be considered to be a use or manufacture by or for the United States within the meaning of section 1498(a) of title 28, United States Code, unless the Administration gives an express authorization or consent for such use or manufacture."

SEC. 8. Section 6 of the National Aeronautics and Space Administration Authorization Act, 1970, as amended (42 U.S.C. 2462), is repealed.

SEC. 9. Appropriations hereby authorized for space transportation system upper stages in section 1(a)(2) shall not be used to initiate sole source procurement of a new upper stage until NASA in cooperation with other agencies has reviewed alternative systems and assessed competitive procurement of a new upper stage to satisfy national requirements, and until 30 days after reporting its findings to the authorizing committees of the House of Representatives and the Senate.

SEC. 10. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1982".

(Approved December 21, 1981.)

*Fiscal Year 1982 Appropriation Act, Public Law 97-101,
Dec. 23, 1981 (95 Stat. 1417)*

AN ACT making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1982, and for other purposes

Department of
Housing and
Urban
Development-
Independent
Agencies
Appropriation
Act, 1982.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of

any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1982, and for other purposes, namely:

* * * * *

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; and including not to exceed (1) \$75,000,000 for Space Transportation Systems Upper Stages, (2) \$40,000,000 for Space Transportation Systems Operations—Upper Stages, (3) \$119,500,000 for the Space Telescope, (4) \$10,000,000 for Venus Orbiting Imaging Radar, (5) \$8,000,000 for the Gamma Ray Observatory, (6) \$108,000,000 for Project Galileo, (7) \$83,900,000 for Landsat D, (8) \$2,194,000,000 for the Space Shuttle, and (9) \$110,700,000 for Spacelab, without the approval of the Committees on Appropriations, \$4,973,100,000, to remain available until September 30, 1983: *Provided*, That none of these funds shall be used to support the definition and development of techniques to analyze extraterrestrial radio signals for patterns that may be generated by intelligent sources.

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, \$99,800,000, to remain available until September 30, 1984: *Provided*, That notwithstanding the limitation on the availability of funds appropriated under this head by this appropriation Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation

and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards; purchase (for replacement only, of one aircraft, for which partial payment may be made by exchange of at least one existing administrative aircraft and such other existing aircraft as may be considered appropriate), hire, maintenance and operation of administrative aircraft; purchase (not to exceed twenty-four for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of \$75,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of facilities; \$1,114,300,000: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That not to exceed \$25,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

TITLE IV

GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I and II of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with the care and treatment of medical beneficiaries of the Veterans Administration; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Disaster Relief Act of 1974; or to payments to interagency motor pools where separately set forth in the budget schedules.

Travel
expenses.

42 USC 5121
note.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service

System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

Legal services.
31 USC 841
note. 12 USC
1749a.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such an audit.

Prohibition of
certain
government
transportation.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development, who, under title 5, United States Code, section 101, is exempted from such limitations.

Research
projects.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

5 USC 5332
note.

SEC. 409. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations without the approval of the Committees on Appropriations.

SEC. 410. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Products Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 411. Except as otherwise provided under existing law or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

Consulting
service
contracts.
Public record,
availability.

SEC. 412. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared and (B) the contractor who prepared the report pursuant to such contract.

SEC. 413. No part of any appropriation contained in this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pur-

suant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 414. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

(Approved December 23, 1981.)

Fiscal Year 1982 Urgent Supplemental Appropriations Act, Public Law 97-216, July 18, 1982 (96 Stat. 130)

July 18, 1982
[H.R. 6685].

AN ACT Making urgent supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes

Urgent
Supplemental
Appropriations
Act, 1982.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Urgent Supplemental Appropriations Act, 1982") for the fiscal year ending September 30, 1982, and for other purposes, namely:

TITLE I

* * * * *

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

95 Stat. 1426.

Notwithstanding any other provision of this or any other Act, of the funds appropriated under the heading, "National Aeronautics and Space Administration, Research and development" in Public Law 97-101, not less than the amounts hereinafter set forth shall be made available for the purposes specified: \$31,200,000 for expendable launch vehicles; \$323,500,000 for physics and astronomy (including \$40,000,000 for Shuttle-Spacelab payloads); \$205,000,000 for planetary exploration (including \$1,700,000 for the midlevel facility in Hawaii); \$39,500,000 for life sciences; \$328,200,000 for space applications (including \$2,300,000 for the search and rescue program, \$5,000,000 for technology transfer, \$6,000,000 for upper atmospheric research satellite experiments, \$16,200,000 for Shuttle-Spacelab payloads, and \$15,400,000 for a 30/20 gigahertz test satellite); \$8,000,000 for technology utilization; \$264,300,000 for aeronautical research and technology; \$111,000,000 for space research and technology; and \$402,100,000 for tracking and data acquisition: *Provided*, That of the funds available for the Space Shuttle, including space flight operations, not less than \$80,000,000 shall be made available for design, development and procure-

ment of liquid hydrogen-liquid oxygen (Centaur) upper stages for use in launching the Galileo and Solar Polar spacecraft in 1986: *Provided further*, That no funds may be obligated for other upper stages, including kick stages, for the Galileo and Solar Polar spacecraft after the enactment of this Act except for work performed prior to the effective date of this Act, together with liability for termination: *Provided further*, That no funds appropriated in this or any other Act may be obligated for a Solar Maximum repair/retrieval mission until the Secretary of the Air Force enters into an agreement with the Administrator to reimburse the National Aeronautics and Space Administration 50 per centum of the costs of such mission (exclusive of the costs attributable solely to equipment for the Solar Maximum spacecraft and to equipment capable of reuse): *Provided further*, That upon request by the Administrator of the National Aeronautics and Space Administration and approval by the Committees on Appropriations not to exceed \$50,000,000 from the unobligated balances of funds appropriated under the heading "National Aeronautics and Space Administration, Construction of facilities" or "National Aeronautics and Space Administration, Research and program management" in Public Law 97-101 and Public Law 96-526 shall be available for the Space Shuttle, including space flight operations: *Provided further*, That the Administrator makes sufficient funds available to assure that a second Space Shuttle launch pad at the Kennedy Space Center, Florida, is operational by January 1, 1986.

95 Stat. 1426; 94 Stat. 3054.

Space Shuttle launch pad.

ADMINISTRATIVE PROVISION

Limitations in section 501(40) of title V of the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982, are amended as follows: The limitations on the Department of Housing and Urban Development's Office of the Assistance Secretary for Legislation and Congressional Relations are increased from 26 full-time permanent positions and 27 staff years to 31 full-time permanent positions and 33.5 staff years, the limitation on the National Aeronautics and Space Administration's Office of the Comptroller is increased from 150 full-time permanent positions to 161 full-time permanent positions, the limitation on the National Aeronautics and Space Administration's Office of External Relations is increased from 120 full-time permanent positions to 125 full-time permanent positions, excluding those positions allocated for Technology Utilization activities, . . .

Limitations.

95 Stat. 1440.

*Fiscal Year 1983 Authorization Act, Public Law 97-324,
Oct. 15, 1982 (96 Stat. 1597)*

National
Aeronautics and
Space
Administration
Authorization
Act, 1983.

*Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assem-
bled,*

TITLE I

SEC. 101. There is hereby authorized to be appropri-
ated to the National Aeronautics and Space Adminis-
tration to become available October 1, 1982:

(a) For "Research and development," for the follow-
ing programs:

- (1) Space Shuttle, \$1,798,000,000;
- (2) Space flight operations, \$1,699,000,000;
- (3) Expendable launch vehicles, \$42,800,000;
- (4) Physics and astronomy, \$473,700,000;
- (5) Planetary exploration, \$177,600,000;
- (6) Life sciences, \$55,700,000;
- (7) Space applications, \$336,300,000;
- (8) Technology utilization, \$9,000,000;
- (9) Aeronautical research and technology,
\$280,000,000;
- (10) Space research and technology, \$128,000,000;
and
- (11) Tracking and data acquisition, \$503,900,000.

Facilities
construction.

(b) For "Construction of facilities," including land ac-
quisition, as follows:

- (1) Construction of data analysis facility, Hugh L.
Dryden Flight Research Facility, \$4,500,000;
- (2) Rehabilitation and modification of utility sys-
tems, Goddard Space Flight Center, \$2,840,000;
- (3) Modifications to the 4- by 7-meter low speed
tunnel, Langley Research Center, \$7,200,000;
- (4) Modifications to upgrade the transonic dynam-
ics tunnel, Langley Research Center, \$9,000,000;
- (5) Modification of rocket engine test facility for
altitude testing, Lewis Research Center, \$995,000;
- (6) Modification to 450 PSI air system in engine
research building, Lewis Research Center,
\$2,920,000;
- (7) Rehabilitation of airfield, Wallops Flight
Center, \$2,150,000;
- (8) Space Shuttle facilities at various locations as
follow:

(A) Modifications to solid rocket booster re-
furbishment and subassembly facilities, John
F. Kennedy Space Center, \$1,700,000;

(B) Modification of manufacturing and final
assembly facilities for external tanks, Michoud
Assembly Facility, \$17,845,000;

(C) Minor Shuttle-unique projects, various lo-
cations, \$1,860,000;

(9) Space Shuttle payload facility: Rehabilitation and modification for payload ground support operations, John F. Kennedy Space Center, \$1,740,000;

(10) Repair of facilities at various locations, not in excess of \$500,000 per project, \$15,000,000;

(11) Rehabilitation and modification of facilities at various locations, not in excess of \$500,000 per project, \$20,000,000;

(12) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$250,000 per project, \$4,000,000; and

(13) Facility planning and design not otherwise provided for, \$8,250,000.

(c) For "Research and program management", \$1,168,900,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law. Research and program management.

(d) Notwithstanding the provisions of subsection (g), appropriations hereby authorized for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility. Research and development.

(e) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into

under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

Scientific consultations or extraordinary expenses.

(f) Appropriations made pursuant to subsection (c) may be used, but not to exceed \$25,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) Of the funds appropriated pursuant to subsections (a) and (c), not in excess of \$75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided*, That, of the funds appropriated pursuant to subsection (a), not in excess of \$250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 102. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (12), inclusive, of section 101(b)—

Report to congressional committees.

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Transfer of funds.

SEC. 103. Not to exceed one-half of 1 percent of the funds appropriated pursuant to section 101(a) hereof may be transferred to and merged with the "Construction of facilities" appropriation, and, when so transferred, together with \$10,000,000 of the funds appropriated pursuant to section 101(b) hereof (other than funds appropriated pursuant to paragraph (13) of such section) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in section 101(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land ac-

quisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (i) the nature of such construction, expansion, or modification, (ii) the cost thereof including the cost of any real estate action pertaining thereto, and (iii) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action. In calculating the thirty-day period referred to in the preceding sentence, any days on which either House is not in session because of an adjournment sine die or an adjournment of more than 5 days to a day certain shall be excluded, but in no event shall the total period extend beyond 45 days.

Report to congressional committees.

SEC. 104. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 101(a) and 101(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee, unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action. In calculating the thirty-day period referred to in the preceding sentence, any days on which either House is not in session because of

Notification to congressional committees.

an adjournment sine die or an adjournment of more than five days to a day certain shall be excluded, but in no event shall the total period extend beyond forty-five days.

Federal
research funds,
geographical
distribution. 42
USC 2459 note.

SEC. 105. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

42 USC 2464.

SEC. 106. (a) Notwithstanding any other provision of law, or any interagency agreement, the Administrator of the National Aeronautics and Space Administration shall charge such prices as necessary to recover the fair value of placing Department of Defense payloads into orbit by means of the Space Shuttle.

42 USC 2464
note.

(b) This section shall apply to any Department of Defense payloads placed into orbit by means of the Space Shuttle on or after October 1, 1983.

15 USC 2201
note.

SEC. 107. (a) The Director of the Federal Emergency Management Agency shall ensure that all obligations and responsibilities imposed by the Federal Fire Prevention and Control Act of 1974 are performed during fiscal year 1983, including activities of the United States Fire Administration and the United States Fire Academy.

5 USC app.

(b) The Director shall reserve such funds as are appropriated to carry out the functions of the Federal Emergency Management Agency as designated in Reorganization Plan Numbered 3 of 1978 to conduct the operations of the United States Fire Administration, the United States Fire Academy, and such other functions and responsibilities as are vested in the Director pursuant to the Federal Fire Prevention and Control Act of 1974.

Short title.

SEC. 108. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1983."

TITLE II

Civil land
remote sensing
satellite
systems. 15 USC
1517 note.

SEC. 201. (a) The Secretary of Commerce is hereby authorized to plan and provide for the management and operation of a civil land remote sensing satellite system, including the LANDSAT D and D' satellites and associated ground system equipment transferred from the National Aeronautics and Space Administration; to provide for user fees; and to plan for the transfer of the ownership and operation of civil operational land remote sensing satellite systems by the private sector when in the national interest. The provisions of this subsection expire September 30, 1984.

Expiration.

(b)(1) As part of his planning for the transfer of the ownership and operation of civil operational land remote sensing satellite systems to the private sector the Secretary shall—

(A) Conduct a study to define the current, projected, and potential needs of the Government for land remote sensing data. Study.

(B) Determine and describe the equipment, software, and data inventory that could be transferred to the private sector.

(C) Compare various feasible financial and organizational approaches for such a transfer. Criteria for the comparison should include considerations such as: maintenance of data continuity; maintenance of United States leadership; national security; international obligations; potential for market growth; marketing ability; sunk and projected cost to the Government; independence of subsidy or financial guarantee from the Government; potential of financial return to the Government; and price of data to users. The following institutional alternatives should be compared: (i) wholly private ownership and operation of the system by an entity competitively selected; (ii) phased-in Government/private ownership and operation; (iii) a legislatively chartered privately owned corporation; and (iv) continued ownership and operation by the Federal Government.

The Secretary shall complete these studies and report on them to the Congress by February 1, 1983. Report to Congress.

(2) In addition to the studies and comparisons called for in section 201(b)(1) the Secretary shall fund at least two parallel studies outside the Government independently to assess the alternatives called for in section 201(b)(1)(C). These studies should be submitted to the Congress by April 1, 1983. Parallel studies, submittal to Congress.

(c) There is authorized to be appropriated \$14,955,000 for the fiscal year 1983, for the purpose of carrying out the provisions of this title.

(d) No moneys authorized by this title shall be used to transfer to the private sector the ownership or management of any civil land remote sensing space satellite system and associated ground system equipment unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives, the President of the Senate, the House Committee on Science and Technology, and the Senate Committee on Commerce, Science, and Transportation, of a message from the Secretary of Commerce or his designee containing a full and complete plan for the action proposed to be taken together with the reasons therefor and expected funding impacts, or (B) each such committee before the expiration of such period has transmitted to

the Secretary written notice to the effect that such committee has no objection to the proposed action.

(Approved October 15, 1982.)

*Fiscal Year 1983 Appropriation Act, Public Law 97-272,
Sept. 30, 1982 (96 Stat. 1160)*

Department of
Housing and
Urban
Development-
Independent
Agencies
Appropriation
Act, 1983.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1983, and for other purposes, namely:

TITLE I

* * * * *

TITLE II

INDEPENDENT AGENCIES

* * * * *

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; and including not to exceed (1) \$1,769,000,000 for Space Shuttle, (2) \$1,796,000,000: *Provided*, That the amount available for obligation or expenditure shall be reduced to the extent subsequent authorizations provide for transfers for Space Flight Operations, (3) \$115,000,000 for Space Transportation Systems—Upper Stages, (4) \$88,000,000 for Space Transportation Systems Operations—Upper Stages, (5) \$137,500,000 for the Space Telescope, (6) \$34,500,000 for the Gamma Ray Observatory, (7) \$92,600,000 for Project Galileo, (8) \$4,000,000 for a Space Station, (9) \$55,000,000 for Performance Augmentation, without the approval of the Committees on Appropriations, \$5,542,800,000, to remain available until September 30, 1984: *Provided*, That \$280,000,000 shall be made available for aeronautical research and technology, that

\$192,000,000 shall be made available for design, development, procurement, and other related requirements of liquid hydrogen-liquid oxygen upper stages (Centaur): *Provided further*, That none of the funds in this or any other Act shall be used for the development of a fifth space shuttle orbiter without the approval of the Committees on Appropriations.

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, \$97,500,000, to remain available until September 30, 1985: *Provided*, That, notwithstanding the limitation on the availability of funds appropriated under this head by this appropriation Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards; purchase (for replacement only, of two aircraft, for which partial payment may be made by exchange of at least one existing administrative aircraft and such other existing aircraft as may be considered appropriate), hire, maintenance and operation of administrative aircraft; purchase (not to exceed seventeen for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of \$75,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of facilities; \$1,168,900,000: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That not to exceed \$25,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon

the approval or authority of the Administrator and his determination shall be final and conclusive.

TITLE IV

GENERAL PROVISIONS

Travel
expenses.

SEC. 401. Where appropriations in titles I and II of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Disaster Relief Act of 1974; or to payments to interagency motor pools where separately set forth in the budget schedules.

42 USC 5121
note.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

Legal services.
31 USC 841
note. *Ante*, p.
877. 12 USC
1749a.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Corporation, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811-1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development, who, under title 5, United States Code, section 101, is exempted from such limitations.

Prohibition of
certain
government
transportation.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

Research
projects.

SEC. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

SEC. 409. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations without the approval of the Committees on Appropriations.

SEC. 410. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 411. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within

Consulting
service
contracts.
Public record
availability.

twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 412. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared and (B) the contractor who prepared the report pursuant to such contract.

SEC. 413. No part of any appropriation contained in this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 414. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 415. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 416. (a)(1) Notwithstanding the directive of the Senate Office Building Commission of March 19, 1982, and notwithstanding any other provision of law, the Architect of the Capitol shall cease the obligation, commitment, or expenditure of any unallotted construction contingency funds (identified during the construction of the Hart Senate Office Building) for the purpose of completing the construction of the physical fitness facility in the Hart Senate Office Building.

(2) The Architect of the Capitol is authorized to obligate and expend from the construction contingency funds for the Hart Senate Office Building amounts which are prohibited to be obligated, committed, or expended by the first paragraph of this subsection for such other necessary expenses relating to the comple-

tion of the Hart Senate Office Building as the Architect of the Capitol deems necessary.

(b) No funds may be expended for the operation of the physical fitness facility in the Dirksen Senate Office Building after the date of enactment of this Act.

This Act may be cited as the "Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1983". Short title.

(Approved September 30, 1982.)

Fiscal Year 1984 Authorization Act, Public Law 98-52, July 15, 1983 (97 Stat. 281)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National
Aeronautics and
Space
Administration
Authorization
Act, 1984.

TITLE I

SEC. 101. That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration to become available October 1, 1983:

(a) For "Research and development," for the following programs:

Research and
development.

- (1) Space transportation capability development, \$2,009,400,000;
- (2) Space transportation operations, \$1,545,600,000;
- (3) Physics and astronomy, \$562,100,000;
- (4) Planetary exploration, \$220,400,000;
- (5) Life sciences, \$59,000,000;
- (6) Space applications, \$313,000,000;
- (7) Technology utilization, \$10,000,000;
- (8) Aeronautical research and technology, \$320,300,000;
- (9) Space research and technology, \$143,000,000; and
- (10) Tracking and data systems, \$700,200,000; and

(b) For "Construction of facilities," including land acquisition, as follows:

Facilities
construction.

(1) Space Shuttle facilities at various locations as follows:

(A) Modifications for additional chillers for mission control center, Lyndon B. Johnson Space Center, \$2,300,000; and

(B) Modifications to mobile launch platform, John F. Kennedy Space Center, \$27,300,000; and

(C) Modification of manufacturing and final assembly facilities for external tanks, Michoud Assembly Facility, \$11,700,000;

(2) Space Shuttle payload facilities at various locations as follows:

(A) Construction of cargo hazardous servicing facility, John F. Kennedy Space Center \$9,000,000; and

(B) Modifications to spacecraft assembly and encapsulation facility for cargo processing, John F. Kennedy Space Center, \$3,000,000;

(3) Construction of frequency standards laboratory, Jet Propulsion Laboratory, \$2,700,000;

(4) Modifications to space flight operations facility, Jet Propulsion Laboratory, \$1,600,000;

(5) Construction of fluid mechanics laboratory, Ames Research Center, \$3,900,000;

(6) Construction of aeronautical tracking facility, Hugh L. Dryden Flight Research Facility, \$800,000;

(7) Modifications and addition for composite materials laboratory, Langley Research Center, \$5,100,000;

(8) Modifications to 30- by 60-foot wind tunnel, Langley Research Center, \$4,400,000;

(9) Modifications for small engine component testing facility, Lewis Research Center, \$7,000,000;

(10) Modifications to icing research tunnel, Lewis Research Center, \$3,600,000;

(11) Relocation of 26-meter STDN antenna, Spain, \$1,700,000;

(12) Repair of facilities at various locations, not in excess of \$500,000 per project, \$19,500,000;

(13) Rehabilitation and modification of facilities at various locations, not in excess of \$500,000 per project, \$24,500,000;

(14) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of \$250,000 per project, \$4,800,000; and

(15) Facility planning and design not otherwise provided for, \$9,200,000.

Research and
program
management.

(c) For "Research and program management," \$1,242,500,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Research and
development.

(d) Notwithstanding the provisions of subsection 101(g), appropriations hereby authorized for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title

in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds \$250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost of such facility.

(e) When so specified and to the extent provided in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 101(c) may be used, but not to exceed \$35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

Scientific consultations or extraordinary expenses.

(g) Of the funds appropriated pursuant to subsection 101(a) and 101(c), not in excess of \$75,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and for repair, rehabilitation, or modification of facilities: *Provided, That*, of the funds appropriated pursuant to subsection 101(a), not in excess of \$250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

SEC. 102. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (14), inclusive, of subsection 101(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 percent, or

Report to congressional committees.

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the circumstances of such action, may be varied upward 25 percent.

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not

exceed the total of the amounts specified in such paragraphs.

Transfer of
funds.

SEC. 103. Not to exceed one half of 1 percent of the funds appropriated pursuant to subsection 101(a) hereof may be transferred to and merged with the "Construction of facilities" appropriation, and, when so transferred, together with \$10,000,000 of the funds appropriated pursuant to subsection 101(b) hereof (other than funds appropriated pursuant to paragraph (15) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 101(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of 30 days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a written report containing a full and complete statement concerning (i) the nature of such construction, expansion, or modification, (ii) the cost thereof including the cost of any real estate action pertaining thereto, and (iii) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Report to
congressional
committees.

Restrictions.

SEC. 104. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Commerce, Science, and Transportation.

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by subsections 101(a) and 101(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee, unless (A) a period of 30 days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Notification to congressional committees.

SEC. 105. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Federal research funds, geographical distribution. 42 USC 2459 note.

SEC. 106. The authorization for space transportation capability development includes provision for the production activities necessary to provide for a fleet of Space Shuttle orbiters, including the production of structural and component spares, necessary to ensure confident and cost-effective operation of the orbiter fleet, as well as provisions for maintaining production readiness for a fifth orbiter vehicle.

SEC. 107. Title III of the National Aeronautics and Space Act of 1958, as amended, is amended by adding at the end thereof the following new section:

"MISUSE OF AGENCY NAME AND INITIALS

"SEC. 310. (a) No person (as defined by section 305) may (1) knowingly use the words 'National Aeronautics and Space Administration' or the letters 'NASA', or any combination, variation, or colorable imitation of those words or letters either alone or in combination with other words or letters, as a firm or business name in a manner reasonably calculated to convey the impression that such firm or business has some connection with, endorsement of, or authorization from, the National Aeronautics and Space Administration which does not, in fact, exist; or (2) knowingly use those words or letters or any combination, variation, or colorable imitation thereof either alone or in combination with other words or letters in connection with any product or service being offered or made available to the public in a manner reasonably calculated to convey the impression that such product or service has the authorization, support, sponsorship, or endorsement of, or the development, use, or manufacture by or on behalf of the

42 USC 2459b.
42 USC 2457.

National Aeronautics and Space Administration which does not, in fact, exist.

Violations.

"(b) Whenever it appears to the Attorney General that any person is engaged in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice."

42 USC 2452.

SEC. 108. Section 103(1) of the National Aeronautics and Space Act of 1958, as amended, is amended, by striking out "and (C)" and inserting in lieu thereof "(C) the operation of a space transportation system including the Space Shuttle, upper stages, space platforms, and related equipment, and (D)".

Transfer of land.

SEC. 109. Notwithstanding any other provision of law, there shall be transferred to NASA three government-owned tracts of NASA used land and improvements thereon (totalling approximately 33.5 acres) at Ellington Air Force Base, Texas, without any transfer of funds therefor.

42 USC 2466.

SEC. 110. Any decision or proposed policy by the President or the National Aeronautics and Space Administration to commercialize some or all of the existing expendable launch vehicle technologies and associated facilities and equipment shall be presented to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives for their review. No such decision or policy shall be implemented unless (A) a period of 30 days has passed after the receipt by each such committee of a full and complete statement of the decision or proposed policy and the facts and circumstances relied upon in support of such decision or proposed policy, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the decision or proposed policy.

Short title.

SEC. 111. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1984."

TITLE II

SEC. 201. There is authorized to be appropriated \$29,336,000 for the fiscal year 1984 for the purpose of operating the land remote sensing satellite system, including provision for storage of a backup satellite.

Transference of civil land, meteorological, or ocean remote sensing space satellite system.
15 USC 1517 note.
96 Stat. 1601.

SEC. 202. Notwithstanding title II of the National Aeronautics and Space Administration Authorization Act, 1983, the Secretary of Commerce shall not transfer the ownership or management of any civil land, meteorological, or ocean remote sensing space satellite system and associated ground system equipment unless, in addition to any other requirement of law—

(1) the Secretary of Commerce or his designee has presented, in writing, to the Speaker of the House of Representatives and the President of the Senate, and to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a comprehensive statement of recommended policies, procedures, conditions, and limitations to which any transfer should be subject; and

(2) the Congress thereafter enacts a law which contains such policies, procedures, conditions, or limitations (or a combination thereof) as it deems appropriate for any such transfer.

(Approved July 15, 1983.)

*Fiscal Year 1984 Appropriations Act, Public Law 98-45,
July 12, 1983 (97 Stat. 219)*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes, namely:

Department of
Housing and
Urban
Development-
Independent
Agencies
Appropriation
Act, 1984.

TITLE I

* * * * *

TITLE II

INDEPENDENT AGENCIES

* * * * *

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; including not to exceed (1) \$427,400,000 for space transportation capability development; (2) \$14,000,000 for a space station; (3) \$165,600,000 for space telescope development; (4) \$17,000,000 for Numerical Aerodynamic Simulation; without the approval of the

Committees on Appropriations; \$2,011,900,000, to remain available until September 30, 1985.

SPACE FLIGHT, CONTROL AND DATA COMMUNICATIONS

For necessary expenses, not otherwise provided for; in support of space flight, spacecraft control and communications activities of the National Aeronautics and Space Administration, including operations, production, services, minor construction, maintenance, repair, rehabilitation, and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance and operation of other than administrative aircraft; and including not to exceed (1) \$1,500,000,000 for space shuttle production and capability development; (2) \$1,570,600,000 for space transportation operations; (3) \$50,000,000 for expendable launch vehicles; and (4) not more nor less than \$44,000,000 shall be obligated for space communications operations and maintenance and support associated with the tracking and data relay satellite system, excluding amounts to be obligated for award fees earned on the contract; without the approval of the Committees on Appropriations; \$3,791,600,000, to remain available until September 30, 1985: *Provided*, That up to 5 per centum of the amount appropriated for "Research and Development" or "Space Flight, Control and Data Communications" may be transferred between such accounts with the approval of the Committees on Appropriations.

CONSTRUCTION OF FACILITIES

For construction, repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, \$135,500,000, to remain available until September 30, 1986: *Provided*, That, notwithstanding the limitation on the availability of funds appropriated under this heading by this appropriation Act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design: *Provided further*, That no amount appropriated pursuant to this or any other Act may be used for the lease or construction of a new contractor-funded facility for exclusive use in support of a contract or contracts with the National Aeronautics and Space

Administration under which the Administration would be required to substantially amortize through payment or reimbursement such contractor investment, unless an appropriation Act specifies the lease or contract pursuant to which such facilities are to be constructed or leased or such facility is otherwise identified in such Act: *Provided further*, That the Administrator may authorize such facility lease or construction, with the approval of the Committees on Appropriations if he determines that deferral of such action until the enactment of the next appropriation Act would be inconsistent with the interest of the Nation in aeronautical and space activities.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); awards; lease, hire, maintenance and operation of administrative aircraft; purchase (not to exceed twenty-seven for replacement only) and hire of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of \$75,000 per project for construction of new facilities and additions to existing facilities, repairs, and rehabilitation and modification of facilities; \$1,238,500,000: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That not to exceed \$35,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

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TITLE IV

GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I and II of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; to travel

Travel
expenses.

42 USC 5121
note. 42 USC
9601 note.

performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Disaster Relief Act of 1974 to site-related travel performed in connection with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; or to payments to interagency motor pools where separately set forth in the budget schedules.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

Legal services.
96 Stat. 1041, 31
USC 9101 *et seq.*
12 USC 1749a.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporations Act, as amended (12 U.S.C. 1811-1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

Prohibited use
of government
transportation.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of the Secretary of the Department of Housing and Urban Development,

who, under title 5, United States Code, section 101, is exempted from such limitation.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

Restriction on
research
projects.

SEC. 408. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the maximum rate paid for GS-18, unless specifically authorized by law.

Consultants,
payment
restriction.

SEC. 409. No part of any appropriation contained in this Act for personnel compensation and benefits shall be available for other object classifications set forth in the budget estimates submitted for the appropriations without the approval of the Committees on Appropriations.

SEC. 410. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 411. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

Consulting
service
contracts.
Public record
availability.

SEC. 412. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder and (2) requires any report prepared pursuant to such contract,

including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared and (B) the contractor who prepared the report pursuant to such contract.

Restricted
funding.

SEC. 413. No part of any appropriation contained in this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

Prohibited
expenditure for
personal
services.

SEC. 414. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 415. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

Short title.

This Act may be cited as the "Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1984".

(Approved July 12, 1983.)

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